

# **SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

MOE KESHAVARZI, SBN 223759  
E-Mail: [mkeshavarzi@sheppardmullin.com](mailto:mkeshavarzi@sheppardmullin.com)  
DAVID E. DWORSKY, SBN 272167  
E-Mail: [ddworsky@sheppardmullin.com](mailto:ddworsky@sheppardmullin.com)  
333 South Hope Street, 43<sup>rd</sup> Floor  
Los Angeles, CA 90071  
Telephone: (213) 620-1780  
Fax: (213) 620-1398

ERROL J. KING, JR. (*admitted pro hac vice*)

**PHELPS DUNBAR LLP**

## II City Plaza

400 Convention Street, Suite 1100  
Baton Rouge, Louisiana 70802  
Telephone: (225) 376-0207  
Fax: (225) 381-9197  
[Errol.King@phelps.com](mailto:Errol.King@phelps.com)

*Attorneys for Defendant, MultiPlan, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

LD, DB, BW, RH, and CJ on behalf of themselves and all others similarly situated.

Case No. 4:20-cv-02255-YGR  
Related Case: 4:20-cv-02249-YGR

*Plaintiffs.*

V.

UNITED BEHAVIORAL HEALTH, INC.,  
a California Corporation, and  
MULTIPLAN, INC., a New York  
Corporation,

### *Defendants.*

## **MULTIPLAN'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' THIRD SET OF REQUESTS TO PRODUCE TO DEFENDANT MULTIPLAN, INC.**

Defendant MultiPlan, Inc. (“MultiPlan”), by and through its undersigned counsel, hereby responds to Plaintiffs’ Third Set of Requests to Produce to Defendant MultiPlan, Inc. (the “Requests”).

## **PRELIMINARY STATEMENT AND OBJECTIONS**

MultiPlan has made diligent effort to respond to the Requests, but reserves the right to change, amend, or supplement its responses and objections. MultiPlan also reserves the right to use discovered documents and documents now known, but whose relevance, significance, or applicability has not yet been ascertained. Additionally, MultiPlan does not waive its right to assert any and all applicable

1       privileges, doctrines, and protections, and hereby expressly states its intent and reserves its right to  
 2       withhold responsive information on the basis of any and all applicable privileges, doctrines, and  
 3       protections.

4           MultiPlan's responses are made without in any way waiving or intending to waive, but on the  
 5       contrary, intending to preserve and preserving, its right, in this litigation or any subsequent proceeding,  
 6       to object on any grounds to the use of documents produced in response to the Requests, including  
 7       objecting on the basis of authenticity, foundation, relevancy, materiality, privilege, and admissibility  
 8       of any documents produced in response to the Requests.

9           MultiPlan objects to a large number of the Requests on the basis that they are unintelligible.  
 10          MultiPlan is a cost-containment company that contracts with third-party payors, such as insurance  
 11       companies, employee benefit plans, self-funded insurance plans, health maintenance organizations,  
 12       and third-party administrators ("TPAs"), to provide health care cost-management solutions, including  
 13       network, negotiation, claim pricing, and/or payment accuracy services. However, MultiPlan itself is  
 14       not an insurance company, TPA, or other third-party payor. MultiPlan does not market, sell, sponsor,  
 15       insure, issue, or administer health benefit plans or programs to or for any consumers. MultiPlan does  
 16       not assume any of the financial risk associated with the payment of any medical expenses incurred by  
 17       members of its clients' health plans or programs. MultiPlan also does not determine eligibility, verify  
 18       benefits, adjudicate or pay claims, or authorize services under any health benefit plans or programs in  
 19       connection with any of the cost-containment services that it provides. Such financial and other  
 20       obligations are solely those of the health plans with which MultiPlan contracts. Thus, a significant  
 21       portion of Plaintiffs' Requests, insofar as they are directed towards MultiPlan, make no sense.  
 22       MultiPlan is not required to, and will not, engage in Plaintiffs' unfounded fishing expedition.

23           MultiPlan also objects to the Requests insofar as they seek information pertaining to products,  
 24       services, and pricing methodologies not at issue in this case. As currently pled, Plaintiffs' Complaint  
 25       challenges the legitimacy of payments received on out-of-network claims for intensive outpatient  
 26       ("IOP") programs for which reimbursement rates were calculated using Viant's OPR product.  
 27       Therefore, MultiPlan objects to many Requests on the grounds that they seek information not relevant

1 to the claims or defenses of any party and not reasonably calculated to lead to the discovery of  
 2 admissible evidence.

3 Likewise, a significant portion of the documents requested are in the possession, custody, or  
 4 control of the Plaintiffs and/or other Defendants in this action. To request them from MultiPlan is  
 5 inappropriate, disproportionate, and a waste of resources. Additionally, MultiPlan has already  
 6 produced to Plaintiffs thousands of documents in this case, with more on the way, and many of which  
 7 are directly responsive to Plaintiffs' duplicative Requests.

8 Furthermore, many of the Requests are overbroad and unduly burdensome and would require  
 9 MultiPlan to conduct individualized research on each and every potential claim and/or to search  
 10 multiple systems and e-mail accounts for an unknown number of unidentified custodians in order to  
 11 locate potentially responsive information and to potentially review thousands, if not tens or even  
 12 hundreds of thousands, of pages of documents. Such a search would likely require numerous  
 13 employees and hundreds of hours to complete, which would be clearly unduly burdensome and  
 14 disproportionate to the needs of the case. Accordingly, MultiPlan's production of any non-privileged,  
 15 responsive documents will be reasonably tailored to the needs of this specific case.

16 MultiPlan objects to each and every Request, Definition, and Instruction to the extent it  
 17 purports to impose obligations on MultiPlan greater than or beyond those required under the Federal  
 18 Rules of Civil Procedure ("Federal Rules"), and the Local Civil Rules of the United States District  
 19 Court for the Northern District of California ("Local Rules"), or the Parties' ESI Protocol.

20 MultiPlan objects to the Requests to the extent they do not define the Relevant Time Period.  
 21 Many of the Requests request the production of documents from January 1, 2015 to the present, which  
 22 MultiPlan objects to as overly broad and unduly burdensome. During a prior meet and confer,  
 23 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because  
 24 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-  
 25 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).  
 26 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state  
 27 law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d  
 28

1 643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time  
 2 Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan  
 3 does not believe that documents created earlier than April 2, 2016 are reasonably calculated to lead to  
 4 the discovery of admissible evidence at this time. As such, in responding and objecting to these  
 5 Requests, MultiPlan will consider the Relevant Time Period to be April 2, 2016 to the present.

6 Finally, as stated throughout, MultiPlan reserves the right to amend, supplement, and correct  
 7 its objections or responses as necessary.

8 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

9 10. MultiPlan objects to Plaintiffs' definition of "Defendants" (as well as "You" and "Your")  
 11 on the ground that it is vague, ambiguous, overly broad and unduly burdensome. In particular,  
 12 Plaintiffs purport to sweep in various distinct persons and entities through this definition. MultiPlan  
 13 will respond to these Requests for Production of Documents only on behalf of MultiPlan, Inc.  
 14 MultiPlan will not search for or produce materials beyond its possession, custody, or control.  
 15 MultiPlan will answer the Requests only based upon its knowledge, materials and information in its  
 16 possession, and belief formed after reasonable inquiry.

17 18. MultiPlan objects to Plaintiffs' definition of "person" on the ground that it is overly broad  
 19 and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and  
 20 entities through this definition who are not proper parties to this case and not properly subject to  
 21 discovery. MultiPlan will respond to these Requests for Production of Documents on behalf of  
 22 MultiPlan, Inc., which is the named defendant in this case. MultiPlan will not search for or produce  
 23 materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based  
 24 upon its knowledge, materials and information in its possession, and belief formed after reasonable  
 25 inquiry.

26 27. MultiPlan objects to Plaintiffs' definition of "document(s)" to the extent that it seeks to  
 28 impose obligations on MultiPlan beyond those required by the Federal Rules. MultiPlan further objects  
 to this definition to the extent it calls for production of electronic information that is not reasonably

accessible, including any archived data or backup tapes that would be unduly burdensome to search or restore. MultiPlan will use the definition of “documents” set out in Federal R. Civ. P. 34.

4. MultiPlan objects to the “Instructions” accompanying the Requests to the extent they purport to impose any obligation on MultiPlan different from or greater than those imposed by the Federal Rules of Civil Procedure.

5. MultiPlan objects to the “Instructions” to the extent they seek to impose obligations on MultiPlan beyond what is contemplated by the Parties’ Protective Order and the ESI Protocol. MultiPlan will produce documents in compliance with the Protective Order and the ESI Protocol.

## **RESPONSES AND OBJECTIONS TO**

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

Any and all documents relied upon by You in responding to Interrogatory 1 in Plaintiffs' first set of interrogatories served on You.

## **RESPONSE:**

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 1 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 1. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

**REQUEST FOR PRODUCTION NO. 2:**

Any and all documents relied upon by You in responding to Interrogatory 2 in Plaintiffs' first set of interrogatories served on You.

## **RESPONSE:**

Subject to and without waiving its Preliminary Statement and Objections, Objections to Definitions and Instructions, and its specific objections and answer to Interrogatory No. 2 in Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),

1 MultiPlan states that no documents were relied upon in responding to Interrogatory No. 2. MultiPlan  
2 reserves the right to timely supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 3:**

4 Any and all documents relied upon by You in responding to Interrogatory 3 in Plaintiffs' first  
5 set of interrogatories served on You.

6 **RESPONSE:**

7 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
8 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 3 in Plaintiffs'  
9 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
10 MultiPlan refers Plaintiffs to its Viant Facility U&C Outpatient Review (OPR) Module *i.e.*,  
11 "whitepapers," which were previously produced at MPI-0005523 and MPI-0006010. MultiPlan  
12 reserves the right to timely supplement and/or amend its response to this Request.

13 **REQUEST FOR PRODUCTION NO. 4:**

14 Any and all documents relied upon by You in responding to Interrogatory 4 in Plaintiffs' first  
15 set of interrogatories served on You.

16 **RESPONSE:**

17 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
18 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 4 in Plaintiffs'  
19 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
20 MultiPlan refers Plaintiffs to its Viant Facility U&C Outpatient Review (OPR) Module *i.e.*,  
21 "whitepapers," which were previously produced at MPI-0005523 and MPI-0006010. MultiPlan  
22 reserves the right to timely supplement and/or amend its response to this Request.

23 **REQUEST FOR PRODUCTION NO. 5:**

24 Any and all documents relied upon by You in responding to Interrogatory 5 in Plaintiffs' first  
25 set of interrogatories served on You.

1           **RESPONSE:**

2           Subject to and without waiving its Preliminary Statement and Objections, Objections to  
3 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 5 in Plaintiffs'  
4 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
5 MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not  
6 limited to, the documents produced at MPI-0007754. MultiPlan reserves the right to timely supplement  
7 and/or amend its response to this Request.

8           **REQUEST FOR PRODUCTION NO. 6:**

9           Any and all documents relied upon by You in responding to Interrogatory 6 in Plaintiffs' first  
10 set of interrogatories served on You.

11           **RESPONSE:**

12           Subject to and without waiving its Preliminary Statement and Objections, Objections to  
13 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 6 in Plaintiffs'  
14 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
15 MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not  
16 limited to, the documents produced at MPI-0000553, MPI-0001884, MPI-0002892, MPI-0005523,  
17 MPI-0005644, MPI-0005887, MPI-0005889, MPI-0006010, MPI-0006884, MPI-0007876, MPI-  
18 0007942, and MPI-0011261. MultiPlan reserves the right to timely supplement and/or amend its  
19 response to this Request.

20           **REQUEST FOR PRODUCTION NO. 7:**

21           Any and all documents relied upon by You in responding to Interrogatory 7 in Plaintiffs' first  
22 set of interrogatories served on You.

23           **RESPONSE:**

24           Subject to and without waiving its Preliminary Statement and Objections, Objections to  
25 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 7 in Plaintiffs'  
26 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
27

1 MultiPlan states that no documents were relied upon in responding to Interrogatory No. 7. MultiPlan  
2 reserves the right to timely supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 8:**

4 Any and all documents relied upon by You in responding to Interrogatory 8 in Plaintiffs' first  
5 set of interrogatories served on You.

6 **RESPONSE:**

7 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
8 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 8 in Plaintiffs'  
9 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
10 MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not  
11 limited to, the documents produced at MPI-0007754. MultiPlan reserves the right to timely supplement  
12 and/or amend its response to this Request.

13 **REQUEST FOR PRODUCTION NO. 9:**

14 Any and all documents relied upon by You in responding to Interrogatory 9 in Plaintiffs' first  
15 set of interrogatories served on You.

16 **RESPONSE:**

17 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
18 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 9 in Plaintiffs'  
19 Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth herein),  
20 MultiPlan refers Plaintiffs to the documents it has already produced in this case, including but not  
21 limited to, the documents produced at MPI-0000161, MPI-0000183, MPI-0000191, MPI-0000197,  
22 MPI-0000224, MPI-0000234, MPI-0000236, MPI-0000237, MPI-0000239, MPI-0000257, MPI-  
23 0000279, MPI-0000291, MPI-0000303, MPI-0000327, MPI-0000340, MPI-0000341, MPI-0000343,  
24 MPI-0000360, MPI-0000373, MPI-0000403, MPI-0000404, MPI-0000417, MPI-0000428, MPI-  
25 0000446, MPI-0000464, MPI-0000465, MPI-0002321, MPI-0002894, MPI-0002928, MPI-0002933,  
26 MPI-0006471, MPI-0006894, MPI-0006936, MPI-0007515, MPI-0007877, MPI-0007947, MPI-  
27 0008716, MPI-0008717, MPI-0008719, MPI-0008720, MPI-0008722, MPI-0008723, MPI-0008725,

1 MPI-0008726, MPI-0008738, MPI-0008739, MPI-0008740, MPI-0008741, MPI-0008785, MPI-  
2 0009042, MPI-0009074, MPI-0009179, MPI-0009223, MPI-0009269, MPI-0009569, MPI-0009939,  
3 MPI-0010516, MPI-0010956, MPI-0011084, MPI-0011120, MPI-0011345, MPI-0011672, and MPI-  
4 0011804. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

5 **REQUEST FOR PRODUCTION NO. 10:**

6 Any and all documents relied upon by You in responding to Interrogatory 10 in Plaintiffs' first  
7 set of interrogatories served on You.

8 **RESPONSE:**

9 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
10 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 10 in  
11 Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth  
12 herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 10.  
13 Furthermore, MultiPlan will meet and confer with Plaintiffs to understand what information is actually  
14 sought by Plaintiffs, and what documents or information, if any, can be reasonably provided.  
15 MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

16 **REQUEST FOR PRODUCTION NO. 11:**

17 Any and all documents relied upon by You in responding to Interrogatory 11 in Plaintiffs' first  
18 set of interrogatories served on You.

19 **RESPONSE:**

20 Subject to and without waiving its Preliminary Statement and Objections, Objections to  
21 Definitions and Instructions, and its specific objections and answer to Interrogatory No. 11 in  
22 Plaintiffs' Special Interrogatories to MultiPlan (which is specifically incorporated as if fully set forth  
23 herein), MultiPlan states that no documents were relied upon in responding to Interrogatory No. 11.  
24 Furthermore, MultiPlan states that the substantial burden of producing any call recordings far  
25 outweighs their probative value, if they have any probative value at all. MultiPlan reserves the right  
26 to timely supplement and/or amend its response to this Request.

DATED: July 8, 2022

1 By: /s/ Errol J. King, Jr.

2 Errol J. King, Jr. (*admitted pro hac vice*)  
3 Phelps Dunbar LLP  
4 II City Plaza  
5 400 Convention Street, Suite 1100  
6 Baton Rouge, Louisiana 70802  
7 Telephone: (225) 376-0207  
8 Fax: (225) 381-9197

9 and  
10

11 Moe Keshavarzi  
12 David E. Dworsky  
13 Sheppard, Mullin, Richter & Hampton LLP  
14 333 South Hope Street, 43rd Floor  
15 Los Angeles, CA 90071  
16 Telephone: (213) 620-1780  
17 Fax: (213) 620-1398

18 Attorneys for Defendant, MultiPlan, Inc.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of July 2022 a copy of the foregoing was served via electronic mail upon all counsel of record:

Matthew M. Lavin, Esq. (pro hac vice) (Matt.Lavin@agg.com)  
Aaron R. Modiano, Esq. (pro hac vice) (Aaron.Modiano@agg.com)

**ARNALL GOLDEN GREGORY LLP**

1775 Pennsylvania Avenue NW, Suite 1000  
Washington, DC 20006

David M. Lilienstein, Esq. (CA SBN 218923) (david@dllawgroup.com)  
Katie J. Spielman, Esq. (CA SBN 252209) (katie@dllawgroup.com)

**DL LAW GROUP**

345 Franklin Street  
San Francisco, CA 94102

**Attorneys for Plaintiffs and Putative Class**

Lauren M. Blas, Esq. (CA SBN 296823) (lblas@gibsondunn.com)  
Nicole R. Matthews, Esq. (CA SBN 328977) (nmatthews@gibsondunn.com)

**GIBSON, DUNN & CRUTCHER LLP**

333 South Grand Avenue  
Los Angeles, CA 90071-3197

Geoffrey Sigler (pro hac vice) (gsigler@gibsondunn.com)

**GIBSON, DUNN & CRUTCHER LLP**

1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306

**Attorneys for Defendant**

**UNITED BEHAVIORAL HEALTH**

/s/ Errol J. King, Jr.

1           **SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

2           MOE KESHAVARZI, SBN 223759  
3           E-Mail: mkeshavarzi@sheppardmullin.com  
4           DAVID E. DWORSKY, SBN 272167  
5           E-Mail: ddworsky@sheppardmullin.com  
6           333 South Hope Street, 43<sup>rd</sup> Floor  
7           Los Angeles, CA 90071  
8           Telephone: (213) 620-1780  
9           Fax: (213) 620-1398

10          ERROL J. KING, JR. (*admitted pro hac vice*)

11          **PHELPS DUNBAR LLP**

12          II City Plaza  
13          400 Convention Street, Suite 1100  
14          Baton Rouge, Louisiana 70802  
15          Telephone: (225) 376-0207  
16          Fax: (225) 381-9197  
17          Errol.King@phelps.com

18          *Attorneys for Defendant, MultiPlan, Inc.*

19           **UNITED STATES DISTRICT COURT**

20           **NORTHERN DISTRICT OF CALIFORNIA**

21          LD, DB, BW, RH, and CJ on behalf of  
22          themselves and all others similarly situated,

23          Case No. 4:20-cv-02255-YGR  
24          Related Case: 4:20-cv-02249-YGR

25          *Plaintiffs,*

26          *v.*

27          UNITED BEHAVIORAL HEALTH, INC.,  
28          a California Corporation, and  
29          MULTIPLAN, INC., a New York  
30          Corporation,

31           **MULTIPLAN'S OBJECTIONS AND  
32           ANSWERS TO PLAINTIFFS' SPECIAL  
33           INTERROGATORIES TO DEFENDANT  
34           MULTIPLAN, INC.**

35          *Defendants.*

36          Defendant MultiPlan, Inc. ("MultiPlan"), by and through its undersigned counsel, hereby  
37          answers Plaintiffs' Special Interrogatories to Defendant MultiPlan, Inc. (the "Interrogatories"),  
38          without waiving or intending to waive, and expressly preserving as follows:

39          1. All objections to the competency, relevancy, materiality, privilege and admissibility of the  
40          answers to the Interrogatories and the subject matter thereof, as evidence for any purpose in any further  
41          proceeding in this action, including any trial of the action and any other action;

2. The right to object to the use of any such answers or documents, or the subject matter thereof, on any ground in any further proceeding of this action, including the trial of this action and in any other action;

3. The right to object on any ground at any time, to a request for further answers to the Interrogatories, or any other demand or document request or other discovery proceeding involving or relating to the subject matter of this controversy;

4. The right at any time to revise, correct, add, supplement, or clarify any of the Answers contained herein; and

## **GENERAL OBJECTIONS**

1. MultiPlan objects to the Interrogatories to the extent that they conflict with or exceed the scope of discovery permitted by federal law. MultiPlan will provide its Answers to the Interrogatories in accordance with the Federal Rules of Civil Procedure.

2. MultiPlan objects to the Interrogatories to the extent that they seek the disclosure of materials protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privilege or protected doctrine herein. Such privileges are explicitly preserved and are not waived or limited by its Answers herein.

3. MultiPlan objects to the Interrogatories to the extent that they seek information that is not relevant to any party's claims or defenses.

4. MultiPlan objects to the Interrogatories to the extent that developing a response would be oppressive, unduly burdensome, unreasonably expensive or requiring unreasonable investigation on the part of MultiPlan.

5. MultiPlan objects to the Interrogatories to the extent that they are ambiguous, confusing, misleading, vague and/or unclear.

6. MultiPlan objects to the Interrogatories to the extent that they call for confidential, proprietary, or trade secret information.

1       7. MultiPlan objects to the Interrogatories to the extent they seek information that is  
 2 outside of MultiPlan's possession, custody, or control and/or that is equally available to Plaintiff as to  
 3 MultiPlan.

4       8. MultiPlan objects to the Interrogatories to the extent they do not define a Relevant Time  
 5 Period. Many of the Interrogatories request information from January 1, 2015 to the present, which  
 6 MultiPlan objects to as overly broad and unduly burdensome. During a prior meet and confer,  
 7 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because  
 8 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-  
 9 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).  
 10 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state  
 11 law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d  
 12 643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time  
 13 Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan  
 14 does not believe that any information or documents created earlier than April 2, 2016 are reasonably  
 15 calculated to lead to the discovery of admissible evidence at this time. As such, in responding and  
 16 objecting to these Interrogatories, MultiPlan will consider the Relevant Time Period to be April 2,  
 17 2016 to the present.

18       9. In addition to these General Objections, MultiPlan may set forth further objections with  
 19 its specific Answers below. By setting forth such specific objections, MultiPlan does not intend to  
 20 limit or restrict these General Objections, which are incorporated by reference into its Answers. By  
 21 referring to one or more of these General Objections in its specific Answers, MultiPlan does not intend  
 22 to limit or restrict the applicability of these General Objections to any specific Interrogatory.

23       10. To the extent that MultiPlan responds to Interrogatories to which it objects, no  
 24 objections are waived. These Answers are made without waiver of and with full preservation of, all  
 25 issues as to competency, relevancy, materiality, privilege and/or admissibility of these Answers for any  
 26 purposes.

1                   **ANSWERS TO SPECIAL INTERROGATORIES**

2                   **INTERROGATORY NO. 1:**

3

4                  Describe in detail the results of any and all efforts by MultiPlan to obtain, analyze, or undertake  
 5                  any review of the language contained in member's healthcare plans and whether MultiPlan's actions  
 6                  and use of Viant's OPR (often referred to as Facility R&C by the United Defendants) were consistent  
 7                  and/or permitted under said plans from January 1, 2015 to present.

8                   **ANSWER:**

9

10                 MultiPlan objects to Interrogatory No. 1 as being vague and ambiguous, particularly with  
                     respect to the terms and/or phrases "results," "any and all efforts," "language contained in member's  
                     healthcare plans," "MultiPlan's actions," and "consistent and/or permitted," all of which are undefined  
                     and subject to differing interpretations. MultiPlan also objects to this Interrogatory as overbroad and  
                     unduly burdensome, including on the ground that the phrase "member's healthcare plans" is not  
                     limited in any way. MultiPlan also objects to the extent this Interrogatory calls for a legal conclusion,  
                     is argumentative, unintelligible, and improperly assumes certain facts. MultiPlan is not an insurance  
                     company, TPA, or other third-party payor, and it has no "members." MultiPlan also does not  
                     administer health benefit plans or programs, nor does it adjudicate claims, pay claims, determine  
                     eligibility, allowed amounts, or rates of reimbursement. MultiPlan further objects to the extent this  
                     Interrogatory assumes MultiPlan has access to or knowledge of any "healthcare plans," which  
                     assumption MultiPlan specifically denies. Similarly, MultiPlan objects to the extent this Interrogatory  
                     suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to this Interrogatory  
                     on the grounds that it calls for a legal conclusion and privileged attorney work product by seeking  
                     information requiring legal analysis to determine whether something was "consistent and/or  
                     permitted" under certain contracts or agreements, which MultiPlan is not a party to and are the best  
                     evidence of their contents and speak for themselves. Finally, objects to this Interrogatory insofar as  
                     information relating to "member's healthcare plans" would likely be in the possession, custody or  
                     control of other parties and is equally available to Plaintiffs as to MultiPlan.

1       Subject to and without waiving the General Objections or the foregoing specific objections,  
 2 MultiPlan states that, as a general matter, it does not have access to or knowledge of any of its clients',  
 3 including United's, plan documents. Thus, it does not "obtain, analyze, or undertake any review of  
 4 the language contained in member's healthcare plans." Any such obligations, to the extent they exist,  
 5 are those of MultiPlan's clients who administer health benefit plans or programs, adjudicate claims,  
 6 pay claims, determine eligibility, allowed amounts, or rates of reimbursement. MultiPlan reserves the  
 7 right to timely supplement and/or amend its answer to this Interrogatory.

8 **INTERROGATORY NO. 2:**

9       Describe in detail the results of any and all efforts by MultiPlan to obtain, analyze, or undertake  
 10 any review of the language contained in member's healthcare plans and whether MultiPlan's actions  
 11 and the PAD letters directing patients and their providers to contact You were consistent and/or  
 12 permitted under said plans from January 1, 2015 to present.

13       **ANSWER:**

14       MultiPlan objects to Interrogatory No. 2 as being vague and ambiguous, particularly with  
 15 respect to the terms and/or phrases "results," "any and all efforts," "language contained in member's  
 16 healthcare plans," "MultiPlan's actions," and "consistent and/or permitted," all of which are undefined  
 17 and subject to differing interpretations. MultiPlan also objects to this Interrogatory as overbroad and  
 18 unduly burdensome, including on the ground that the phrase "member's healthcare plans" is not  
 19 limited in any way. MultiPlan also objects to the extent this Interrogatory calls for a legal conclusion,  
 20 is argumentative, unintelligible, and improperly assumes certain facts. MultiPlan is not an insurance  
 21 company, TPA, or other third-party payor, and it has no "members." MultiPlan also does not  
 22 administer health benefit plans or programs, nor does it adjudicate claims, pay claims, determine  
 23 eligibility, allowed amounts, or rates of reimbursement. MultiPlan further objects to the extent this  
 24 Interrogatory assumes MultiPlan has access to or knowledge of any "healthcare plans," which  
 25 assumption MultiPlan specifically denies. Similarly, MultiPlan objects to the extent this Interrogatory  
 26 suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to this Interrogatory  
 27 on the grounds that it calls for a legal conclusion and privileged attorney work product by seeking  
 28

1 information requiring legal analysis to determine whether something was “consistent and/or  
 2 permitted” under certain contracts or agreements, which MultiPlan is not a party to and are the best  
 3 evidence of their contents and speak for themselves. Finally, information relating to “member’s  
 4 healthcare plans” would likely be in the possession, custody or control of other parties and is equally  
 5 available to Plaintiffs as to MultiPlan.

6 Subject to and without waiving the General Objections or the foregoing specific objections,  
 7 MultiPlan states that, as a general matter, it does not have access to or knowledge of any of its clients’,  
 8 including United’s, plan documents. Thus, it does not “obtain, analyze, or undertake any review of  
 9 the language contained in member’s healthcare plans.” Any such obligations, to the extent they exist,  
 10 are those of MultiPlan’s clients who administer health benefit plans or programs, adjudicate claims,  
 11 pay claims, determine eligibility, allowed amounts, or rates of reimbursement. Moreover, the language  
 12 in the “PAD letters” speak for themselves. MultiPlan reserves the right to timely supplement and/or  
 13 amend its answer to this Interrogatory.

14 **INTERROGATORY NO. 3:**

15       Describe in detail the results of any and all analysis, undertakings, in determining pricing rates  
 16 using Viant OPR (including the data set, sample size, geographic distribution, *etc.*) for intensive  
 17 outpatient claims from January 1, 2015 to present.

18       **ANSWER:**

19       MultiPlan objects to Interrogatory No. 3 as being vague and ambiguous, particularly with  
 20 respect to the terms and/or phrases “results,” “any and all analysis,” “undertakings,” and “determining  
 21 pricing rates,” all of which are undefined and subject to differing interpretations. MultiPlan also  
 22 objects to the extent this Interrogatory is argumentative and improperly assumes certain facts,  
 23 including that MultiPlan “determine[s] pricing rates.” MultiPlan also objects to the extent this  
 24 Interrogatory suggests that MultiPlan had obligations to take certain acts. MultiPlan also objects to  
 25 this Interrogatory to the extent that it seeks information which is subject to a claim of privilege or  
 26 which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 27 privilege or the attorney work product doctrine.

1       Subject to and without waiving the General Objections or the foregoing specific objections,  
 2 MultiPlan states that intensive outpatient claims are priced the same by Viant as any other outpatient  
 3 claims. MultiPlan has already provided Plaintiffs in discovery, multiple times, with its Viant Facility  
 4 U&C Outpatient Review (OPR) Module i.e., “whitepapers,” which explain in detail the relevant Viant  
 5 pricing process. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents previously produced.  
 6 MultiPlan reserves the right to timely supplement and/or amend its answer to this Interrogatory.

7 **INTERROGATORY NO. 4:**

8       Describe in detail any and all efforts undertaken by You to obtain charge data for intensive  
 9 outpatients (IOP) services from January 1, 2015 to present as well as any results or outcomes of such  
 10 efforts.

11      **ANSWER:**

12       MultiPlan objects to Interrogatory No. 4 as being vague and ambiguous, particularly with  
 13 respect to the terms and/or phrases “any and all efforts,” “obtain charge data,” and “results or  
 14 outcomes,” all of which are undefined and subject to differing interpretations. MultiPlan also objects  
 15 to this Interrogatory as overbroad and unduly burdensome on the ground that it seeks information  
 16 relating to “any and all” such “efforts.” MultiPlan also objects to the extent this Interrogatory suggests  
 17 that MultiPlan had obligations to take certain acts. MultiPlan further objects to this Interrogatory to  
 18 the extent that it seeks information which is subject to a claim of privilege or which is otherwise  
 19 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 20 work product doctrine.

22       Subject to and without waiving the General Objections or the foregoing specific objections,  
 23 MultiPlan states that intensive outpatient claims are priced the same by Viant as any other outpatient  
 24 claims. MultiPlan has already provided Plaintiffs in discovery, multiple times, with its Viant Facility  
 25 U&C Outpatient Review (OPR) Module i.e., “whitepapers,” which explain in detail the relevant Viant  
 26 pricing process, including the charge data it utilizes. Thus, in accordance with Fed. R. Civ. P. 33(d),  
 27 see documents previously produced. Moreover, and as more fully explained in the referenced  
 28 documents, Viant OPR uses CMS’ Standard Analytical Outpatient file, which includes data from

1 charges that providers submit to CMS. This charge data comes from more than 5,800 hospitals and  
 2 over 30,000 other outpatient facility providers. Viant purchases the Standard Analytical Outpatient  
 3 File on an annual basis promptly after it becomes available and incorporates the new data into the  
 4 Viant OPR database as soon as is practical. MultiPlan reserves the right to timely supplement and/or  
 5 amend its response to this Interrogatory.

6 **INTERROGATORY NO. 5:**

7       Describe in detail Your processes and procedures from January 1, 2015 to present for  
 8 negotiation services offered by Viant for IOP claims sent by United to You.

9       **ANSWER:**

10      MultiPlan objects to Interrogatory No. 5 as being vague and ambiguous, particularly with  
 11 respect to the terms and/or phrases “processes and procedures” and “negotiation services,” both of  
 12 which are undefined and subject to differing interpretations. MultiPlan also objects to the extent this  
 13 Interrogatory is argumentative and improperly assumes certain facts. Viant does not offer “negotiation  
 14 services” with members or patients as this Interrogatory suggests. MultiPlan further objects to this  
 15 Interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is  
 16 not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the  
 17 needs of the case.

18      Subject to and without waiving the General Objections or the foregoing specific objections,  
 19 MultiPlan states that Viant offers services to address inquiries from both providers and United’s  
 20 members relating to priced claims and balance billing concerns. Viant’s only involvement with  
 21 individual members, like the Plaintiffs in this case, occurs when a member becomes aware of a  
 22 potential balance bill after his or her receipt of a Patient Advocacy (“PAD”) letter. The services are  
 23 initiated when a member contacts Viant’s customer service unit with a question either via a phone call  
 24 or e-mail. After receiving an inquiry from a member relating to a balance bill, generally, the next step  
 25 is that one of Viant’s customer service representatives will reach out to the member to determine  
 26 whether in fact the member is truly being balance billed. If it is determined that the member is in fact  
 27 being balance billed, Viant opens an inquiry and assigns it to its provider inquiry team to contact the  
 28

1 provider to attempt a resolution with the intent being obtaining the deepest savings for the member  
 2 and reducing the balance bill. Once the Viant provider inquiry team members gets in touch with the  
 3 provider, they explain to the provider the methodology and how the pricing was derived. The provider  
 4 inquiry team's negotiation parameters are based on the specific claim(s) at issue and the client's  
 5 elections. Following the negotiation with the provider, Viant sends a follow up letter to the member  
 6 to outline the outcome of the attempt. MultiPlan has also already provided Plaintiffs in discovery with  
 7 documents regarding this process. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents  
 8 previously produced. MultiPlan reserves the right to timely supplement and/or amend its answer to  
 9 this Interrogatory.

10 **INTERROGATORY NO. 6:**

11       Describe in detail the results of any and all analyses You conducted, considered, and/or  
 12 reviewed regarding the implications of modifying or changing the percentile used by Viant in the  
 13 pricing of IOP claims sent by United from January 1, 2015 to present.

14       **ANSWER:**

15       MultiPlan objects to Interrogatory No. 6 as being vague and ambiguous, particularly with  
 16 respect to the terms and/or phrases "results," "any and all analysis," "implications," "modifying or  
 17 changing," and "percentile used," which are undefined and subject to differing interpretations.  
 18 MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain  
 19 facts. MultiPlan also objects to the extent this Interrogatory suggests that MultiPlan had obligations  
 20 to take certain acts. MultiPlan also objects to this Interrogatory to the extent that it seeks information  
 21 which is subject to a claim of privilege or which is otherwise protected from disclosure by, including  
 22 without limitation, the attorney-client privilege or the attorney work product doctrine.  
 23

24       Subject to and without waiving the General Objections or the foregoing specific objections,  
 25 MultiPlan states that it has already provided Plaintiffs in discovery, multiple times, with its Viant  
 26 Facility U&C Outpatient Review (OPR) Module i.e., "whitepapers," which explain in detail the  
 27 relevant Viant pricing process, including the application of client selected percentiles. Thus, in  
 28 accordance with Fed. R. Civ. P. 33(d), see documents previously produced. Moreover, and as more

1 fully explained in the referenced documents, MultiPlan's clients select the percentile that will  
 2 determine Viant's reimbursement recommendation and by establishing other review parameters to suit  
 3 their needs. Thus, MultiPlan will, upon request, present its clients with data and analyses regarding  
 4 various percentiles in order for the clients to make an educated decision on the percentile that best  
 5 suits their needs. MultiPlan has also already provided Plaintiffs in discovery with documents  
 6 regarding this subject. Thus, in accordance with Fed. R. Civ. P. 33(d), see documents previously  
 7 produced. MultiPlan reserves the right to timely supplement and/or amend its answer to this  
 8 Interrogatory.

9 **INTERROGATORY NO. 7:**

10 Describe in detail the cost to MultiPlan of processing an IOP claim sent by United to MultiPlan  
 11 using Viant OPR from January 1, 2015 to present.

12 **ANSWER:**

13 MultiPlan objects to Interrogatory No. 7 as being vague and ambiguous, particularly with  
 14 respect to the terms and/or phrases "the cost" and "processing," both of which are undefined and  
 15 subject to differing interpretations. MultiPlan also objects to the extent this Interrogatory is  
 16 argumentative, unintelligible, and improperly assumes certain facts. MultiPlan does not "process" any  
 17 claims. Subject to and without waiving the General Objections or the foregoing specific objections,  
 18 MultiPlan states that it keeps no records of the cost of processing an IOP claim, and accordingly, has  
 19 no "details" to provide. MultiPlan reserves the right to timely supplement and/or amend its answer to  
 20 this Interrogatory.

21 **INTERROGATORY NO. 8:**

22 Describe in detail what steps, actions, policies, and/or procedures are taken by MultiPlan or its  
 23 agents with regard to inquiries received by You from or regarding United's members who receive  
 24 balance bills for out-of-network claims priced through Viant OPR from January 1, 2015 to present.

25 **ANSWER:**

26 MultiPlan objects to Interrogatory No. 8 as being vague and ambiguous, particularly with  
 27 respect to the terms and/or phrases "steps," "actions," "policies, and/or procedures," and "inquiries,"

1 all of which are undefined and subject to differing interpretations. MultiPlan also objects to the extent  
 2 this Interrogatory is duplicative of Interrogatory No. 5, which MultiPlan fully answered above.  
 3 MultiPlan further objects to this interrogatory as being overly broad as “agents” is undefined.  
 4 MultiPlan further objects to this Interrogatory to the extent that it seeks information which is subject  
 5 to a claim of privilege or which is otherwise protected from disclosure by, including without limitation,  
 6 the attorney-client privilege or the attorney work product doctrine.

7 Subject to and without waiving the General Objections or the foregoing specific objections,  
 8 see MultiPlan’s Answer to Interrogatory No. 5. MultiPlan reserves the right to timely supplement  
 9 and/or amend its answer to this Interrogatory.

10 **INTERROGATORY NO. 9:**

11 Describe in detail Your presentations, meetings, and/or discussions with United regarding the  
 12 out-of-network market, including discussions of United’s competitors, covering out-of-network  
 13 mental health / substance use disorder claims from January 1, 2015 to present.

14 **ANSWER:**

15 MultiPlan objects to Interrogatory No. 9 as being vague and ambiguous, particularly with  
 16 respect to the phrase “discussions of United’s competitors.” MultiPlan also objects to this  
 17 Interrogatory as overbroad and unduly burdensome on the ground that it seeks information relating to  
 18 “presentations, meetings, and/or discussions” with one of MultiPlan’s biggest clients over a seven-  
 19 year period. MultiPlan also objects to the extent this Interrogatory is argumentative and improperly  
 20 assumes certain facts. MultiPlan has contractual relationships with many of “United’s competitors”  
 21 and it does not share any specific confidential or proprietary information about its other clients with  
 22 United.

23 Subject to and without waiving the General Objections or the foregoing specific objections,  
 24 MultiPlan states that United is one of MultiPlan’s largest clients, and thus, there are many meetings  
 25 and discussions amongst the parties on a wide variety of topics. MultiPlan has already produced to  
 26 Plaintiffs in discovery substantial documentation relating to its Client Advisory Board meetings,  
 27 annual meetings, quarterly meetings, and other communications with United. Thus, in accordance  
 28

1 with Fed. R. Civ. P. 33(d), see documents previously produced. MultiPlan reserves the right to timely  
 2 supplement and/or amend its answer to this Interrogatory.

3 **INTERROGATORY NO. 10:**

4       Describe in detail any analysis, study, or other efforts undertaken by you to determine the  
 5 frequency or rate that You received fees from United from the use of Viant OPR price including, but  
 6 not limited to, the proportion of claims returned to United with a Viant OPR that applied the Viant  
 7 OPR price from January 1, 2015 to present.

8       **ANSWER:**

9       MultiPlan objects to Interrogatory No. 10 as being vague and ambiguous, particularly with  
 10 respect to the terms and/or phrases “analysis, study, or other efforts undertaken,” “frequency or rate,”  
 11 “received fees,” and “proportion of claims returned,” all of which are undefined and subject to  
 12 differing interpretations. MultiPlan further objects to this Interrogatory on the grounds that it is  
 13 overbroad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the  
 14 discovery of admissible evidence and not proportional to the needs of the case. MultiPlan also objects  
 15 to the extent this Interrogatory is argumentative, unintelligible, and improperly assumes certain facts,  
 16 including that any such “analysis, study, or other efforts” have been undertaken. MultiPlan further  
 17 objects to the extent this Interrogatory suggests that MultiPlan had obligations to take certain acts.  
 18 Finally, MultiPlan also objects to this Interrogatory to the extent that it seeks information which is  
 19 subject to a claim of privilege or which is otherwise protected from disclosure by, including without  
 20 limitation, the attorney-client privilege or the attorney work product doctrine.

21       Subject to and without waiving the General Objections or the foregoing specific objections,  
 22 MultiPlan states that while its finance department keeps track of billing records for accounting  
 23 purposes, it does not run any analyses or reports “to determine the frequency or rate that [MultiPlan]  
 24 receives fees from United from the use of Viant OPR” as suggested by this Interrogatory. MultiPlan  
 25 reserves the right to timely supplement and/or amend its answer to this Interrogatory.

1           **INTERROGATORY NO. 11:**

2           Describe in detail how telephonic member and/or provider inquiries or other similar calls to  
 3 You are recorded stored, indexed, utilized, and how such recordings may be later retrieved and  
 4 reviewed.

5           **ANSWER:**

6           MultiPlan objects to Interrogatory No. 11 as being vague and ambiguous, particularly with  
 7 respect to the terms and/or phrases “telephonic [...] inquiries,” and “other similar calls,” which are  
 8 undefined and subject to differing interpretations. MultiPlan further objects to this Interrogatory on  
 9 the grounds that it is overbroad, unduly burdensome, and seeks information that is not reasonably  
 10 calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case.  
 11 MultiPlan also objects to the extent this Interrogatory is argumentative and improperly assumes certain  
 12 facts, including that there is a “storing” of any such recordings that “may be later retrieved and  
 13 reviewed.” MultiPlan further objects to the extent this Interrogatory suggests that MultiPlan had  
 14 obligations to take certain acts.

15           Subject to and without waiving the General Objections or the foregoing specific objections,  
 16 MultiPlan states that some calls are recorded and indexed based on the date of the call, time of the  
 17 call, the agent who handled the call, and the toll-free number used. The call recordings reside on two  
 18 systems of record, Cisco/OnviSource and Aspect/AQM. MultiPlan’s systems produce thousands of  
 19 call recordings on a monthly basis, and the recordings are utilized for training and quality assurance  
 20 purposes only. Due to the significant call volume, any search of these systems using the previously  
 21 mentioned indexing information would result in thousands of results. MultiPlan reserves the right to  
 22 timely supplement and/or amend its answer to this Interrogatory.

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DATED: July 8, 2022

By: /s/ Errol J. King, Jr.

Errol J. King, Jr. (*admitted pro hac vice*)  
Phelps Dunbar LLP  
II City Plaza  
400 Convention Street, Suite 1100  
Baton Rouge, Louisiana 70802  
Telephone: (225) 376-0207  
Fax: (225) 381-9197

and

Moe Keshavarzi  
David E. Dworsky  
Sheppard, Mullin, Richter & Hampton LLP  
333 South Hope Street, 43rd Floor  
Los Angeles, CA 90071  
Telephone: (213) 620-1780  
Fax: (213) 620-1398

Attorneys for Defendant, MultiPlan, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of July 2022 a copy of the foregoing was served via electronic mail upon all counsel of record .

Matthew M. Lavin, Esq. (pro hac vice) (Matt.Lavin@agg.com)  
Aaron R. Modiano, Esq. (pro hac vice) (Aaron.Modiano@agg.com)

**ARNALL GOLDEN GREGORY LLP**

1775 Pennsylvania Avenue NW, Suite 1000  
Washington, DC 20006

David M. Lilienstein, Esq. (CA SBN 218923) (david@dllawgroup.com)  
Katie J. Spielman, Esq. (CA SBN 252209) (katie@dllawgroup.com)

**DL LAW GROUP**

345 Franklin Street  
San Francisco, CA 94102

**Attorneys for Plaintiffs and Putative Class**

Lauren M. Blas, Esq. (CA SBN 296823) (lblas@gibsondunn.com)  
Nicole R. Matthews, Esq. (CA SBN 328977) (nmatthews@gibsondunn.com)

**GIBSON, DUNN & CRUTCHER LLP**

333 South Grand Avenue  
Los Angeles, CA 90071-3197

Geoffrey Sigler (pro hac vice) (gsigler@gibsondunn.com)

**GIBSON, DUNN & CRUTCHER LLP**

1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306

**Attorneys for Defendant**

**UNITED BEHAVIORAL HEALTH**

/s/ Errol J. King, Jr.

# SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

MOE KESHAVARZI, SBN 223759  
E-Mail: [mkeshavarzi@sheppardmullin.com](mailto:mkeshavarzi@sheppardmullin.com)  
DAVID E. DWORSKY, SBN 272167  
E-Mail: [ddworsky@sheppardmullin.com](mailto:ddworsky@sheppardmullin.com)  
333 South Hope Street, 43<sup>rd</sup> Floor  
Los Angeles, CA 90071  
Telephone: (213) 620-1780  
Fax: (213) 620-1398

ERROL J. KING, JR. (*admitted pro hac vice*)

PHELPS DUNBAR LLP

II City Plaza

400 Convention Street, Suite 1100  
Baton Rouge, Louisiana 70802  
Telephone: (225) 376-0207  
Fax: (225) 381-9197  
[Errol.King@phelps.com](mailto:Errol.King@phelps.com)

*Attorneys for Defendant, MultiPlan, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

LD, DB, BW, RH, and CJ on behalf of themselves and all others similarly situated.

Case No. 4:20-cv-02255-YGR  
Related Case: 4:20-cv-02249-YGR

*Plaintiffs.*

V.

UNITED BEHAVIORAL HEALTH, INC.,  
a California Corporation, and  
MULTIPLAN, INC., a New York  
Corporation,

### *Defendants.*

## **MULTIPLAN'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS TO PRODUCE TO DEFENDANT MULTIPLAN, INC.**

Defendant MultiPlan, Inc. (“MultiPlan”), by and through its undersigned counsel, hereby responds to Plaintiffs’ First Set of Requests to Produce to Defendant MultiPlan, Inc. (the “Requests”).

## **PRELIMINARY STATEMENT AND OBJECTIONS**

MultiPlan has made diligent effort to respond to the Requests, but reserves the right to change, amend, or supplement its responses and objections. MultiPlan also reserves the right to use discovered documents and documents now known, but whose relevance, significance, or applicability has not yet been ascertained. Additionally, MultiPlan does not waive its right to assert any and all applicable

1       privileges, doctrines, and protections, and hereby expressly states its intent and reserves its right to  
 2       withhold responsive information on the basis of any and all applicable privileges, doctrines, and  
 3       protections.

4           MultiPlan's responses are made without in any way waiving or intending to waive, but on the  
 5       contrary, intending to preserve and preserving, its right, in this litigation or any subsequent proceeding,  
 6       to object on any grounds to the use of documents produced in response to the Requests, including  
 7       objecting on the basis of authenticity, foundation, relevancy, materiality, privilege, and admissibility  
 8       of any documents produced in response to the Requests.

9           MultiPlan objects to a large number of the Requests on the basis that they are unintelligible.  
 10          MultiPlan is a cost-containment company that contracts with third-party payors, such as insurance  
 11       companies, employee benefit plans, self-funded insurance plans, health maintenance organizations,  
 12       and third-party administrators ("TPAs"), to provide health care cost-management solutions, including  
 13       network, negotiation, claim pricing, and/or payment accuracy services. However, MultiPlan itself is  
 14       not an insurance company, TPA, or other third-party payor. MultiPlan does not market, sell, sponsor,  
 15       insure, issue, or administer health benefit plans or programs to or for any consumers. MultiPlan does  
 16       not assume any of the financial risk associated with the payment of any medical expenses incurred by  
 17       members of its clients' health plans or programs. MultiPlan also does not determine eligibility, verify  
 18       benefits, adjudicate or pay claims, or authorize services under any health benefit plans or programs in  
 19       connection with any of the cost-containment services that it provides. Such financial and other  
 20       obligations are solely those of the health plans with which MultiPlan contracts. Thus, a significant  
 21       portion of Plaintiffs' Requests, insofar as they are directed towards MultiPlan, makes absolutely no  
 22       sense. MultiPlan is not required to, and will not, engage in Plaintiffs' unfounded fishing expedition.

23           MultiPlan also objects to the Requests insofar as they seek information pertaining to products,  
 24       services, and pricing methodologies not at issue in this case. As currently pled, Plaintiffs' Complaint  
 25       challenges the legitimacy of payments received on out-of-network claims for intensive outpatient  
 26       ("IOP") programs for which reimbursement rates were calculated using Viant's OPR product.  
 27       Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,

1 including, for example, Data iSight, as to which Plaintiffs seek information. Therefore, MultiPlan  
 2 objects to many Requests on the grounds that they seek information not relevant to the claims or  
 3 defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence.

4 Likewise, a significant portion of the documents requested are in the possession, custody, or  
 5 control of the Plaintiffs and/or other Defendants in this action. To request them from MultiPlan is  
 6 inappropriate, disproportionate, and a waste of resources,

7 Furthermore, many of the Requests are overbroad and unduly burdensome and would require  
 8 MultiPlan to conduct individualized research on each and every potential claim and/or to search  
 9 multiple systems and e-mail accounts for an unknown number of unidentified custodians in order to  
 10 locate potentially responsive information and to potentially review thousands, if not tens or even  
 11 hundreds of thousands, of pages of documents. Such a search would likely require numerous  
 12 employees and hundreds of hours to complete, which would be clearly unduly burdensome and  
 13 disproportionate to the needs of the case. Accordingly, MultiPlan's production of any non-privileged,  
 14 responsive documents will be reasonably tailored to the needs of this specific case.

15 MultiPlan objects to each and every Request, Definition, and Instruction to the extent it  
 16 purports to impose obligations on MultiPlan greater than or beyond those required under the Federal  
 17 Rules of Civil Procedure ("Federal Rules"), and the Local Civil Rules of the United States District  
 18 Court for the Northern District of California ("Local Rules"), or the Parties' anticipated ESI Protocol.

19 MultiPlan objects to the Requests to the extent they do not define the Relevant Time Period.  
 20 Many of the Requests request the production of documents from January 1, 2015 to the present, which  
 21 MultiPlan objects to as overly broad and unduly burdensome. Based on its current understanding of  
 22 the facts, counsel for MultiPlan does not believe that Cigna began using the Viant OPR product for  
 23 behavioral health outpatient facility claims until April 2016. Moreover, during a meet and confer,  
 24 Plaintiffs stated that the Relevant Time Period in this action should begin January 1, 2015 because  
 25 RICO is subject to a five-year statute of limitations. However, civil RICO claims are subject to a four-  
 26 year statute of limitations. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143 (1987).  
 27 Likewise, the statute of limitations for an ERISA claim for benefits, as supplied by California state  
 28

1 law, is four years. *Wetzel v. Lou Ehlers Cadillac Grp. Long Term Disability Ins. Program*, 222 F.3d  
 2 643, 648 (9th Cir. 2000). Plaintiffs filed this action on April 2, 2020, meaning the Relevant Time  
 3 Period should begin, at the absolute earliest, on April 2, 2016. With very limited exceptions, MultiPlan  
 4 does not believe that documents created earlier than April 2, 2016 are reasonably calculated to lead to  
 5 the discovery of admissible evidence at this time. As such, in responding and objecting to these  
 6 Requests, MultiPlan will consider the Relevant Time Period to be April 2, 2016 to the present.

7 Finally, as stated throughout, MultiPlan reserves the right to amend, supplement, and correct  
 8 its objections or responses as necessary.

9 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

10 1. MultiPlan objects to Plaintiffs' definition of "Defendants" (as well as "You" and "Your")  
 11 on the ground that it is vague, ambiguous, overly broad and unduly burdensome. In particular,  
 12 Plaintiffs purport to sweep in various distinct persons and entities through this definition. MultiPlan  
 13 will respond to these Requests for Production of Documents only on behalf of MultiPlan, Inc.  
 14 MultiPlan will not search for or produce materials beyond its possession, custody, or control.  
 15 MultiPlan will answer the Requests only based upon its knowledge, materials and information in its  
 16 possession, and belief formed after reasonable inquiry.

17 2. MultiPlan objects to Plaintiffs' definition of "person" on the ground that it is overly broad  
 18 and unduly burdensome. In particular, Plaintiffs purport to sweep in various distinct persons and  
 19 entities through this definition who are not proper parties to this case and not properly subject to  
 20 discovery. MultiPlan will respond to these Requests for Production of Documents on behalf of  
 21 MultiPlan, Inc., which is the named defendant in this case. MultiPlan will not search for or produce  
 22 materials beyond its possession, custody, or control. MultiPlan will answer the Requests only based  
 23 upon its knowledge, materials and information in its possession, and belief formed after reasonable  
 24 inquiry.

25 3. MultiPlan objects to the definition of "Facility R&C" on the grounds that it is vague, overly  
 26 broad, and unduly burdensome in that it seeks information about programs that are not relevant to  
 27

1 Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive  
 2 outpatient programs.

3       4. MultiPlan objects to the definition of "Viant Facility UCR" on the grounds that it is vague,  
 4 overly broad, and unduly burdensome in that it seeks information about programs that are not relevant  
 5 to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive  
 6 outpatient programs.

7       5. MultiPlan objects to Plaintiffs' definition of "document(s)" to the extent that it seeks to  
 8 impose obligations on MultiPlan beyond those required by the Federal Rules. MultiPlan further objects  
 9 to this definition to the extent it calls for production of electronic information that is not reasonably  
 10 accessible, including any archived data or backup tapes that would be unduly burdensome to search  
 11 or restore. MultiPlan will use the definition of "documents" set out in Federal R. Civ. P. 34.

12       6. MultiPlan objects to the "Instructions" accompanying the Requests to the extent they  
 13 purport to impose any obligation on MultiPlan different from or greater than those imposed by the  
 14 Federal Rules of Civil Procedure.

15       7. MultiPlan objects to the "Instructions" to the extent they seek to impose obligations on  
 16 MultiPlan beyond what is contemplated by the Parties' Protective Order and the ESI Protocol.  
 17 MultiPlan will produce documents in compliance with the Protective Order and the ESI Protocol.

18       8. MultiPlan objects to the Instructions to the extent they seek to impose an obligation on  
 19 MultiPlan to "enter best estimates" if MultiPlan is unable to locate "accurate answers." It is unclear  
 20 what Plaintiffs envision for this instruction, but regardless, if no responsive, non-privileged documents  
 21 are in MultiPlan's possession, custody, or control, MultiPlan has no obligation – under the Federal  
 22 Rules of Civil Procedure, the Local Rules, applicable case law, or Stipulated Order Regarding  
 23 Discovery of Electronically Stored Information – to provide any "estimates."

1                   **RESPONSES AND OBJECTIONS TO**  
 2                   **REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

A spreadsheet identifying any and all claims from received from United with HCPCS Code H0015, H2036, S9480, from January 1, 2015 to present. For each individual healthcare claim at issue indicate in a spreadsheet:

- a. The United and MultiPlan's Claim numbers;
- b. Bill Type (HCFA UB, and Bill type Code, 131, 111, *etc.*);
- c. Patient Information, Name, ID, Service Dates (to and from);
- d. Provider Name and information
- e. Service Zip code
- f. Total Charge, and relevant Line Data that includes Line number, Line Charge, Revenue Code, Units, HCPCS/CPT codes, modifiers, service dates, any Line Exclude Amounts, non-covered amounts, or indicators denoting exclusion in whole or in part, and any and all line notes on how the line was handled;
- g. Any Diagnosis Codes and Procedure Codes on the claim (*e.g.* ICD9 / ICD10 codes);
- h. Any edits applied to reduce the claim including, but not limited to, any CCI edits, Proprietary edits, and/or unit reductions;
- i. Denote any "assumed" information or codes applied or overwritten;
- j. Denote any Missing Value Adds, assumed zip codes, assumed HCPCS/CPT codes, assumed Revenue Codes, any Default Codes applied, or similar;
- k. Any UCR/UNC/U&C amount recommended by the Payer or Calculated for the Payer (*e.g.* any benchmark prices and their application);
- l. Indicate the methodology/methodologies that priced the claim (*e.g.*, DiP, Negotiation, Viant, or other method or tool);
- m. Indicate the hierarchy applied to the claim in processing;

- n. For claims priced with DiP or DiS, the “pure” or “raw” Data iSight amount prior to the application of overrides or other rules as well as after;
- o. For Viant claims, the percentile used to price the claim as well as the other prices / percentiles that were available to price the claim (e.g., 50th, 60th, 70th, 80th, etc.) prior to the application of any overrides or other rules as well as after.
- p. The ‘target price’ of the claim and source of the ‘target price’, if applicable, for the claims;
- q. If Viant, indicate IPR, OPR, or Other;
- r. If Viant OPR, indicate markups and markdowns used for each line;
- s. The Multiplan priced amount returned to the Payer and the “Savings Amount” as calculated and indicated to the payer;
- t. The underlying data used (CMS, IMS or other);
- u. If priced using SAF, indicate the raw SAF amount for the claim before application of percentile;
- v. List the percentile used or applied for with Markups or Calculation of factors;
- w. For Viant what percentile was used from the data for each claim;
- x. List Conversion factors used, RVU factor, Status code indicators (CMS), any inflation factors, adjustments used to localize the data (GPCIs, Wage indexes etc.), any add on allowances (outliers, indigent care factors, etc.);
- y. Any other factors applied to the final price such as Overrides, Caps, Benchmark Pricing, Target Pricing, or amount changed on appeal, etc.;
- z. All relevant underlying data sets related to the HCPCS that were applied to the claims at issue along with an indication of the dates those data sets were in use;
- aa. For claims priced by Viant, the level of data (National, State or Local) that was used for the claim HCPCS/CPT code;
- bb. For claims priced by Viant, the number of units or occurrences in the benchmark that were used; i.e. the number of occurrences for the HCPCS / CPT code in the underlying data and at what level (national, state, local);

- 1           cc. The corresponding Fair Health U&C amount for the same claim and same time period at the  
 2           70th and 80th percentile for each claim at issue;
- 3           dd. Any service codes for any pricing, *e.g.* bundling, packaging, not paid, primary procedure,  
 4           secondary procedure, or similar;
- 5           ee. Any codes used in the pricing of the claims' lines or at the claim level.

7 **RESPONSE:**

8           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 9           Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 10          the ground that it seeks information not relevant to the claims or defenses of any party and not  
 11          reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information  
 12          about claims other than out-of-network claims for intensive outpatient programs for which  
 13          reimbursement rates were calculated using Viant's OPR product—no other MultiPlan product, service,  
 14          or pricing methodology is at issue in this case, including MultiPlan's Data iSight product. MultiPlan  
 15          further objects to this Request as overly broad and unduly burdensome. For example, this Request is  
 16          overly broad and unduly burdensome to the extent it purports to require MultiPlan to create a  
 17          “spreadsheet” specifically for this litigation containing “all” claims within a broadly defined category  
 18          that includes multiple codes, including HCPCS Code H2036, that have no apparent connection to the  
 19          IOP services at issue in the case. Furthermore, as framed, this Request is overly broad because it is not  
 20          limited to claims “paid or adjudicated” using the Viant OPR data that Plaintiffs challenge in the  
 21          Complaint. MultiPlan also objects to this Request as overly broad and unduly burdensome to the extent  
 22          it purports to require MultiPlan to create a “spreadsheet” specifically for this litigation, which is  
 23          beyond what is required by the Federal Rules. MultiPlan objects to this Request as vague and  
 24          ambiguous, in that several of the terms used, including but not limited to “modifiers,” “edits,” “unit  
 25          reductions,” “assumed information,” “missing value adds,” “recommended,” “benchmark pricing,”  
 26          “overrides,” “percentile used,” “hierarchy applied,” “target price,” “markups and markdowns,” and  
 27          “savings amount,” are not defined or tied to the topics or services at issue in the case.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs regarding the parameters of a claim data summary regarding the putative class members'  
 4 claims involving IOP services priced using Viant's OPR data that can be reasonably be produced by  
 5 MultiPlan to satisfy this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 2:**

8       Any and all documents, communications, records or data related to the named Plaintiffs in this  
 9 action or their healthcare claims.  
 10

11 **RESPONSE:**

12       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 13 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 14 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 15 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 16 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 17 case. MultiPlan further objects to this Request on the grounds that it is overbroad and unduly  
 18 burdensome including to the extent that it seeks “[a]ny and all documents, communications, records  
 19 or data” to the extent the Request is not limited to documents related to Viant's OPR pricing for  
 20 intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative of  
 21 other Requests. MultiPlan also objects to this Request to the extent it seeks information which is  
 22 subject to a claim of privilege or which is otherwise protected from disclosure by, including without  
 23 limitation, the attorney-client privilege or the attorney work product doctrine.

24       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 27 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 28

1 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 3:**

4 Any and all quarterly update/quarter in review PowerPoint presentations prepared by  
 5 MultiPlan for United covering the period of January 1, 2015, to present and any related  
 6 communications and correspondence.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 10 vague and ambiguous, in that the “quarterly update/quarter in review” documents are not defined or  
 11 tied to the topics or services at issue in the case. MultiPlan objects to this Request on the ground that  
 12 it seeks information not relevant to the claims or defenses of any party and not reasonably calculated  
 13 to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant  
 14 OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to  
 15 this Request as overly broad and unduly burdensome. By way of example only, this Request seeks  
 16 presentations that are not related to Viant’s OPR pricing for intensive outpatient programs.  
 17 MultiPlan also objects to this Request on the grounds that it is overbroad, unduly burdensome, and  
 18 seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and  
 19 not proportional to the needs of the case to the extent it seeks “any” communications and  
 20 correspondence relating to such “presentations,” such that is impossible for MultiPlan to know or  
 21 represent that all such documents have been or would be produced

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 26 response to this Request.

**REQUEST FOR PRODUCTION NO. 4:**

A full and complete copy of the Network Access Agreement between UnitedHealthcare Insurance Company and MultiPlan Inc, including the original agreement dated January 1, 2010 and all subsequent amendments thereto.

## **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek amendments having nothing to do with the Viant OPR data that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks information about agreements that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request seeks documents outside the time period properly subject to discovery for Plaintiffs' claims and allegations in this case.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, MultiPlan states that it will search for and produce non-privileged, responsive contracts and amendments regarding Viant's OPR data relevant to the claims at issue that were in effect during the putative class period pursuant to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

**REQUEST FOR PRODUCTION NO. 5:**

For the period January 1, 2015, to present, produce a report of all fees and/or revenue derived from United's use of MultiPlan's Viant solution (OPR/IPR).

## **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as being vague and ambiguous, particularly with respect to the phrase “fees and/or revenue derived,”

which is undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan's possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not proportional to the needs of the case to the extent it seeks a report showing "all" alleged "fees and/or revenue." MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to produce a "report" specifically for this litigation, which is beyond what is required by the Federal Rules.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

#### **REQUEST FOR PRODUCTION NO. 6:**

For the period January 1, 2015, to present, produce a report showing all actual fees paid and revenue to Multiplan specifically related to United's use of the Viant OPR solution.

#### **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as being vague and ambiguous, particularly with respect to the phrase "actual fees paid and revenue,"

which is undefined and subject to differing interpretations such that MultiPlan is unable to determine what documents are potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan's possession, custody, and control, including but not limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not proportional to the needs of the case to the extent it seeks a report showing "all" alleged "fees paid and revenue." MultiPlan also objects to this Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to produce a "report" specifically for this litigation, which is beyond what is required by the Federal Rules.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

#### **REQUEST FOR PRODUCTION NO. 7:**

For the period January 1, 2015, to present, produce a report showing all actual fees paid and revenue to Multiplan under the Network Access Agreement.

#### **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request seeks information about fees that are not limited to claims and allegations related to Viant's OPR

1 pricing for intensive outpatient programs. MultiPlan also objects to this Request as being vague and  
 2 ambiguous, particularly with respect to the phrase “actual fees paid and revenue,” which is undefined  
 3 and subject to differing interpretations such that MultiPlan is unable to determine what documents are  
 4 potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome  
 5 for MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 6 documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks  
 7 information outside of MultiPlan’s possession, custody, and control, including but not limited to any  
 8 documents that may be in the possession of United but not MultiPlan. MultiPlan also objects to this  
 9 Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to  
 10 produce a “report” specifically for this litigation, which is beyond what is required by the Federal  
 11 Rules.

12 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 13 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 14 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 15 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 16 response to this Request.

17 **REQUEST FOR PRODUCTION NO. 8:**

18 Any and all “white papers” or modules pertaining to Facility R&C and/or Viant OPR from  
 19 January 1, 2015 to present and all related communications and correspondence, both internal and  
 20 external.

21 **RESPONSE:**

22 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 23 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 24 vague and ambiguous. By way of example only, the terms “white papers” and “modules” are undefined  
 25 and, as written, could encompass reports or summaries regarding any and all issues in MultiPlan’s  
 26 possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly  
 27 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of  
 28

1 admissible evidence and not proportional to the needs of the case to the extent it seeks “Any and all  
 2 whitepapers pertaining” to Viant OPR, without any further limitation, such that is impossible for  
 3 MultiPlan to know or represent that all such documents have been or would be produced. MultiPlan  
 4 also objects to this Request to the extent it seeks information which is subject to a claim of privilege  
 5 or which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 6 privilege or the attorney work product doctrine.

7 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 10 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 11 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 12 response to this Request.

**REQUEST FOR PRODUCTION NO. 9:**

14 Any and all reports prepared by or relating to Dr. Bernard Siskin from January 1, 2015 to  
 15 present.

**RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 19 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 20 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 21 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 22 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, to the extent  
 23 it purports to request reports that are not relevant to Plaintiffs’ claims and allegations in this case,  
 24 which challenge Viant’s OPR pricing for intensive outpatient programs. To the extent applicable,  
 25 MultiPlan also objects to this Request on the grounds that it is premature. In the event MultiPlan  
 26 chooses to retain an expert witness in this case, it will disclose any expert reports in accordance with  
 27 the Federal Rules of Civil Procedure, Local Rules, and any applicable case management order.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 10:**

7       Any and all communications either internally at Multiplan, or externally with United, relating  
 8 to Dr. Bernard Siskin from January 1, 2015 to present.

9 **RESPONSE:**

10      MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
 12 the extent that it is duplicative of Request No. 9. MultiPlan also objects to this Request on the ground  
 13 that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 14 calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond  
 15 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further  
 16 objects to this Request as overly broad and unduly burdensome, to the extent it purports to request  
 17 reports that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's  
 18 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds  
 19 that it seeks information which is subject to a claim of privilege or which is otherwise  
 20 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 21 work product doctrine. To the extent applicable, MultiPlan also objects to this Request on the grounds  
 22 that it is premature. In the event MultiPlan chooses to retain an expert witness in this case, it will  
 23 disclose any expert reports in accordance with the Federal Rules of Civil Procedure, Local Rules, and  
 24 any applicable case management order.

25      Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 11:**

4 Any and all correspondence or communications with Dr. Bernard Siskin from January 1, 2015  
5 to present.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
9 the extent that it is duplicative of Requests No. 9 and 10. MultiPlan also objects to this Request on  
10 the ground that it seeks information not relevant to the claims or defenses of any party and not  
11 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
12 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
13 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, to the extent  
14 it purports to request reports that are not relevant to Plaintiffs' claims and allegations in this case,  
15 which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to  
16 this Request on the grounds that it seeks information which is subject to a claim of privilege or which  
17 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege  
18 or the attorney work product doctrine. To the extent applicable, MultiPlan also objects to this Request  
19 on the grounds that it is premature. In the event MultiPlan chooses to retain an expert witness in this  
20 case, it will disclose any expert reports in accordance with the Federal Rules of Civil Procedure, Local  
21 Rules, and any applicable case management order.

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
26 response to this Request.

1       **REQUEST FOR PRODUCTION NO. 12:**

2           For the period January 1, 2015, all internal communications and correspondence referencing  
3           “H0015”.

4       **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6           Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
7           vague and ambiguous, particularly with respect to the term “H0015.” MultiPlan further objects to this  
8           Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
9           not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
10          information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
11          case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
12          that it seeks “all” such “communications and correspondence” and to the extent the Request is not  
13          limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also  
14          objects to this Request to the extent it seeks information which is subject to a claim of privilege or  
15          which is otherwise protected from disclosure by, including without limitation, the attorney-client  
16          privilege or the attorney work product doctrine.

17          Subject to and without waiving the Preliminary Statement and Objections, Objections to  
18          Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
19          Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
20          can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
21          response to this Request.

22       **REQUEST FOR PRODUCTION NO. 13:**

23           For the period January 1, 2015, all external communications and correspondence referencing  
24           “H0015.”

25       **RESPONSE:**

26           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27           Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as

1 vague and ambiguous, particularly with respect to the term “H0015.” MultiPlan further objects to this  
 2 Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
 3 not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 4 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 5 case. MultiPlan objects to this Request to the extent it seeks information outside of MultiPlan’s  
 6 possession, custody, and control, including but not limited to any documents that may be in the  
 7 possession of other parties and/or non-parties. MultiPlan further objects to this Request as overly broad  
 8 and unduly burdensome on the ground that it seeks “all” such “communications and correspondence”  
 9 and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 10 outpatient programs.

11       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 14 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 15 response to this Request.

16 **REQUEST FOR PRODUCTION NO. 14:**

17       For the period January 1, 2015, all external communications and correspondence referencing  
 18 “SAF” or the Standard Analytical File.

19 **RESPONSE:**

20       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 21 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 22 vague and ambiguous, particularly with respect to the phrase “Standard Analytical File.” MultiPlan  
 23 further objects to this Request on the ground that it seeks information not relevant to the claims or  
 24 defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence,  
 25 in that it appears to seek information beyond the Viant OPR data used to price IOP services that  
 26 Plaintiffs challenge in this case. MultiPlan objects to this Request to the extent it seeks information  
 27 outside of MultiPlan’s possession, custody, and control, including but not limited to any documents

1 that may be in the possession of other parties and/or non-parties. MultiPlan further objects to this  
 2 Request as overly broad and unduly burdensome on the ground that it seeks “all” such  
 3 “communications and correspondence” and to the extent the Request is not limited to documents  
 4 related to Viant’s OPR pricing for intensive outpatient programs.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 8 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 9 response to this Request.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 For the period January 1, 2015, all internal communications and correspondence referencing  
 12 “SAF” or the Standard Analytical File, including communications regarding the purchase of the file  
 13 and any analysis undertaken of the file.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 17 vague and ambiguous, particularly with respect to the phrases “Standard Analytical File,” “purchase  
 18 of the file” and “analysis undertaken.” Likewise, MultiPlan objects to the extent this Request is  
 19 argumentative and assumes facts. MultiPlan further objects to this Request on the ground that it seeks  
 20 information not relevant to the claims or defenses of any party and not reasonably calculated to lead  
 21 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR  
 22 data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request  
 23 to the extent it seeks information outside of MultiPlan’s possession, custody, and control, including  
 24 but not limited to any documents that may be in the possession of other parties and/or non-parties.  
 25 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 26 it seeks “all” such “communications and correspondence” and to the extent the Request is not limited  
 27 to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects  
 28

1 to this Request to the extent it seeks information which is subject to a claim of privilege or which is  
 2 otherwise protected from disclosure by, including without limitation, the attorney-client privilege or  
 3 the attorney work product doctrine.

4 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 5 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 6 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 7 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 16:**

10 For the period January 1, 2015, all internal or external communications referencing  
 11 “crosswalk” or “crosswalking” of claims priced through Viant OPR.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 15 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 18 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 19 that it seeks “all” communications and to the extent the Request is not limited to documents related to  
 20 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 21 the grounds that the terms “crosswalk” and “crosswalking” are vague and undefined. MultiPlan also  
 22 objects to this Request to the extent it seeks information which is subject to a claim of privilege or  
 23 which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 24 privilege or the attorney work product doctrine.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable

1 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 2 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 17:**

5 Any and all presentations prepared by MultiPlan for United relating to enhancing United's  
 6 competitive position in the healthcare market and any related correspondence.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 10 the phrase "competitive position in the healthcare market" is vague and ambiguous. MultiPlan also  
 11 objects to the extent this Request is argumentative and assumes fact, including that any such  
 12 presentations exist. MultiPlan also objects to this Request as not being limited to a relevant time  
 13 period. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly  
 14 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of  
 15 admissible evidence and not proportional to the needs of the case to the extent it seeks "[a]ny and all"  
 16 such presentations. MultiPlan further objects to this Request on the ground that it seeks information  
 17 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
 18 discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data  
 19 used to price IOP services that Plaintiffs challenge in this case. MultiPlan also objects to this Request  
 20 to the extent it seeks information which is subject to a claim of privilege or which is otherwise  
 21 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 22 work product doctrine.

23 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 27 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 18:**

2           For the period January 1, 2015, to the present, produce any and all quarterly update/quarter in  
3 review PowerPoint slide deck presentations prepared by MultiPlan for United or presented to United.

4           **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
7 the extent that it is duplicative of Request No. 3. MultiPlan further objects to this Request as vague  
8 and ambiguous, in that the “quarterly update/quarter in review” documents are not defined or tied to  
9 the topics or services at issue in the case. MultiPlan objects to this Request on the ground that it seeks  
10 information not relevant to the claims or defenses of any party and not reasonably calculated to lead  
11 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR  
12 data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this  
13 Request as overly broad and unduly burdensome. By way of example only, this Request seeks  
14 presentations that are not related to Viant’s OPR pricing for intensive outpatient programs.

15           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
16 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
17 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
18 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
19 response to this Request.

20           **REQUEST FOR PRODUCTION NO. 19:**

21           For the period of January 1, 2015, to present, any and all correspondence relating to the regular  
22 quarterly meetings between United and MultiPlan.

23           **RESPONSE:**

24           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
25 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
26 the ground that it seeks information not relevant to the claims or defenses of any party and not  
27 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request  
 3 seeks information about meetings that are not related to Viant's OPR pricing for intensive outpatient  
 4 programs. MultiPlan objects to this Request as vague and ambiguous, in that the "quarterly meeting"  
 5 documents are not defined or tied to the topics or services at issue in the case. MultiPlan also objects  
 6 to this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is  
 7 not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the  
 8 needs of the case to the extent it seeks "any and all correspondence" relating to such "quarterly  
 9 meetings," such that is impossible for MultiPlan to know or represent that all such documents have  
 10 been or would be produced.

11       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 14 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 15 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 16 response to this Request.

17 **REQUEST FOR PRODUCTION NO. 20:**

18       For the period of January 1, 2015, to present, any and all WebEx or other recordings of  
 19 quarterly meetings between United and MultiPlan covering the period of January 1, 2015 to present.

20 **RESPONSE:**

21       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 22 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 23 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 24 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 26 case. MultiPlan further objects to this Request as overly broad and unduly burdensome as this Request  
 27 seeks information about meetings that are not related to Viant's OPR pricing for intensive outpatient

1 programs. MultiPlan objects to this Request as vague and ambiguous, in that the phrase “quarterly  
 2 meeting” is not defined or tied to the topics or services at issue in the case. MultiPlan also objects to  
 3 this Request on the grounds that it is argumentative and assumes facts, including that any such  
 4 recordings exist.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 6 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s  
 7 understanding of what is being requested, MultiPlan states that it has no documents in its possession,  
 8 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely  
 9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 21:**

11 For the period of January 1, 2015, to present, any and all agendas prepared for any meetings,  
 12 including quarterly meetings, between United and MultiPlan covering the period of January 1, 2015  
 13 to present.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 17 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome. For example,  
 21 this Request seeks information about meetings that are not related to Viant’s pricing methods for  
 22 intensive outpatient programs. MultiPlan objects to this Request as vague and ambiguous in that the  
 23 phrases “quarterly meetings” and “agendas” are not undefined and subject to differing interpretations  
 24 such that MultiPlan is unable to determine what documents are potentially responsive to this Request.  
 25 MultiPlan also objects to this Request on the grounds that it is overbroad, unduly burdensome, and  
 26 seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and  
 27 not proportional to the needs of the case to the extent it seeks “any and all” of these alleged “agendas,”

1 such that it is impossible for MultiPlan to know or represent that all such documents have been or  
 2 would be produced.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 22:**

9 For the period of January 1, 2015, to present, any and all “white papers,” documents entitled  
 10 “Viant Facility U&C Review – Outpatient Review (OPR) Module” or summaries of methodologies  
 11 prepared by MultiPlan concerning or applicable to OON outpatient claim pricing that includes or  
 12 relates to MultiPlan’s Viant OPR medical reimbursement analysis solution or the pricing of Facility  
 13 R&C claims and any related correspondence.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 17 vague and ambiguous. By way of example only, the term “white papers” is undefined and, as written,  
 18 could encompass reports or summaries regarding completely irrelevant issues in MultiPlan’s  
 19 possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly  
 20 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of  
 21 admissible evidence and not proportional to the needs of the case to the extent it seeks “any and all”  
 22 such whitepapers, such that is impossible for MultiPlan to know or represent that all such documents  
 23 have been or would be produced. MultiPlan also objects to this Request on the grounds that it is  
 24 argumentative and assumes facts, including that any such relevant “white papers” with such titles exist.  
 25 MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim  
 26 of privilege or which is otherwise protected from disclosure by, including without limitation, the  
 27 attorney-client privilege or the attorney work product doctrine.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 23:**

7       For the period January 1, 2015, to the present, any and all documents related to United's  
 8 selection of Multiple Procedure Parameters ("MPR") to be used by Multiplan in pricing Facility R&C,  
 9 Viant OPR and/or OON outpatient claims, and all related correspondence.

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks  
 17 information about programs that are not relevant to Plaintiffs' claims and allegations in this case,  
 18 which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to  
 19 this Request as vague and ambiguous. For example, the term "Multiple Procedure Parameters" is  
 20 vague and ambiguous because it is undefined. MultiPlan further objects to this Request to the extent  
 21 it seeks information outside of MultiPlan's possession, custody, and control, including but not limited  
 22 to any documents that may be in the possession of United but not MultiPlan.

23       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 27 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 24:**

2           For the period January 1, 2015, to the present, any and all Viant Specialty Reports.

3           **RESPONSE:**

4           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
5 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
6 vague and ambiguous as the term “Viant Specialty Reports” is undefined and, as written, could  
7 potentially encompass reports or summaries regarding many irrelevant issues in MultiPlan’s  
8 possession. MultiPlan further objects to this Request on the grounds that it is overbroad, unduly  
9 burdensome, and seeks information that is not reasonably calculated to lead to the discovery of  
10 admissible evidence and not proportional to the needs of the case to the extent it seeks “[a]ny and all”  
11 such “Specialty Reports,” without any limitation relating to the Viant OPR data used to price IOP  
12 services that Plaintiffs challenge in this case. MultiPlan also objects to the extent this Request is  
13 argumentative and assumes facts, including that any such documents called “Viant Specialty Reports”  
14 exist.

15           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
16 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
17 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
18 search protocol to identify non-privileged documents in its possession, custody, and control that are  
19 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
20 response to this Request.

21           **REQUEST FOR PRODUCTION NO. 25:**

22           For the period of January 1, 2015, to present, any and all documents, both internal and external,  
23 relating to Viant OPR/Facility R&C Default Rates applied to OON mental health / behavioral health  
24 claims when the Viant OPR/Facility R&C methodology does not have a rate available.

25           **RESPONSE:**

26           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan further objects to this Request as overly broad and unduly burdensome, in that it seeks  
 5 information about programs that are not relevant to Plaintiffs' claims and allegations in this case,  
 6 which challenge Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to  
 7 the phrase "Viant OPR/Facility R&C Default Rates" and "Viant OPR/Facility R&C methodology" as  
 8 vague and ambiguous because those phrases are undefined.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 12 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 For the period of January 1, 2015, to present, all correspondence to or from Emma Johnson,  
 16 Rebecca Paradise, or Sarah Peterson referencing reports by Dr. Siskin.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
 20 the extent that it is duplicative of other Requests. MultiPlan also objects to this Request on the ground  
 21 that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 22 calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond  
 23 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further  
 24 objects to this Request as overly broad and unduly burdensome, to the extent it purports to request  
 25 reports that are not relevant to Plaintiffs' claims and allegations in this case, which challenge Viant's  
 26 OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent  
 27 attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.  
 28

1 MultiPlan further objects to this Request on the grounds that it seeks information which is subject to  
 2 a claim of privilege or which is otherwise protected from disclosure by, including without limitation,  
 3 the attorney-client privilege or the attorney work product doctrine. To the extent applicable, MultiPlan  
 4 also objects to this Request on the grounds that it is premature. In the event MultiPlan chooses to  
 5 retain an expert witness in this case, it will disclose any expert reports in accordance with the Federal  
 6 Rules of Civil Procedure, Local Rules, and any applicable case management order.

7 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 10 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 27:**

13 For the period January 1, 2015, to present, produce all documents and correspondence related  
 14 to MultiPlan vendor fees paid by United to MultiPlan.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
 18 the extent it is duplicative of other Requests. MultiPlan further objects to this Request as being vague  
 19 and ambiguous, particularly with respect to the phrase “vendor fees,” which is undefined and subject  
 20 to differing interpretations such that MultiPlan is unable to determine what documents are potentially  
 21 responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for  
 22 MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 23 documents that Plaintiffs are requesting. MultiPlan further objects to this Request to the extent it seeks  
 24 information outside of MultiPlan’s possession, custody, and control, including but not limited to any  
 25 documents that may be in the possession of United but not MultiPlan. MultiPlan further objects to  
 26 this Request on the grounds that it is overbroad, unduly burdensome, and seeks information that is not  
 27 proportional to the needs of the case to the extent it seeks documents and correspondence “related” to  
 28

1 “all” alleged “vendor fees.” MultiPlan objects to this Request on the ground that it seeks information  
 2 not relevant to the claims or defenses of any party and not reasonably calculated to lead to the  
 3 discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data  
 4 used to price IOP services that Plaintiffs challenge in this case.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 8 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 9 response to this Request.

10 **REQUEST FOR PRODUCTION NO. 28:**

11 For the period January 1, 2015, to present, produce all internal presentations including  
 12 PowerPoint slide decks and spreadsheets related to Viant OPR/Facility R&C fees paid by United.

13 **RESPONSE:**

14 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
 16 the extent it is duplicative of other Requests. MultiPlan further objects to this Request as vague and  
 17 ambiguous, in that the phrases “internal presentations” and “fees” are undefined and subject to  
 18 differing interpretations such that MultiPlan is unable to determine what documents are potentially  
 19 responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for  
 20 MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 21 documents that Plaintiffs are requesting. MultiPlan objects to this Request on the ground that it seeks  
 22 information not relevant to the claims or defenses of any party and not reasonably calculated to lead  
 23 to the discovery of admissible evidence, in that it appears to seek information relating to “fees” beyond  
 24 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. Accordingly,  
 25 MultiPlan further objects to this Request as overly broad and unduly burdensome.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 29:**

5 For the period January 1, 2015, to the present, any and all presentations prepared by MultiPlan  
 6 relating to enhancing United's competitive position in the healthcare market, or "landscape", and any  
 7 related correspondence.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 11 being duplicative of Request No. 17. MultiPlan also objects to the phrases "competitive position in  
 12 the healthcare market" or "landscape" as being vague and ambiguous. MultiPlan also objects to the  
 13 extent this Request is argumentative and assumes facts, including that any such presentations exist.  
 14 MultiPlan further objects to this Request on the grounds that it is overbroad, unduly burdensome, and  
 15 seeks information that is not reasonably calculated to lead to the discovery of admissible evidence and  
 16 not proportional to the needs of the case to the extent it seeks "[a]ny and all" such presentations or  
 17 related correspondence. MultiPlan further objects to this Request on the ground that it seeks  
 18 information not relevant to the claims or defenses of any party and not reasonably calculated to lead  
 19 to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR  
 20 data used to price IOP services that Plaintiffs challenge in this case.

21 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 22 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 23 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 24 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 25 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 30:**

2           For the period January 1, 2015, to present, any and all correspondence, presentation,  
 3 PowerPoint slide decks or reports, either internal or external, relating to changes in OPR percentiles  
 4 and/or the pricing of OON outpatient claims. This request includes email correspondence to, from or  
 5 including any of the following: Rebecca Paradise, John Haben, Sarah Peterson, Ray Lopez, Jacqueline  
 6 Kienzle, Emma Johnson, Mark Edwards, Dale White, and Tina Smith.

7           **RESPONSE:**

9           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 15 that it seeks “any and all correspondence, presentation[s], PowerPoint slide decks or reports” and to  
 16 the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 17 outpatient programs. For example, this Request is overly broad and unduly burdensome because the  
 18 Request, which asks for documents involving, among other things, “the pricing of OON outpatient  
 19 claims,” is not limited to materials related to Viant’s OPR pricing for intensive outpatient programs.  
 20 MultiPlan also objects to the extent this Request is argumentative and assumes facts, including that  
 21 any of the individuals named in the Request, some of whom are no longer MultiPlan employees, have  
 22 either relevant or responsive “e-mail correspondence.” Likewise, MultiPlan objects to Plaintiffs’  
 23 apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in  
 24 this case.

25           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 For the period January 1, 2015, to present, any and all internal PowerPoint slide deck  
 5 presentations, models, spreadsheets, or projections relating to changes in Facility R&C pricing and/or  
 6 Viant OPR percentiles applied to OON outpatient claims.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 10 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 11 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 12 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 13 case. For example, the Request seeks information about “presentations, models, spreadsheets or  
 14 projections” that are not limited to claims and allegations related to Viant’s pricing methods for  
 15 intensive outpatient programs. MultiPlan further objects to this Request as overly broad and unduly  
 16 burdensome on the ground that it seeks “any and all” such documents and to the extent it seeks  
 17 information not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also  
 18 objects to the extent this Request is argumentative and assumes facts, including that such presentations  
 19 exist.

20 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 23 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 24 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 32:**

2           For the period January 1, 2015, to present, any and all internal presentations, PowerPoint slide  
 3 decks, spreadsheets, models, or projections relating fees resulting from changes in Facility R&C  
 4 pricing and/or Viant OPR percentiles applied to United's OON outpatient claims.

5           **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 8 vague and ambiguous, in that the phrases "internal presentations" and "fees" are undefined and subject  
 9 to differing interpretations such that MultiPlan is unable to determine what documents are potentially  
 10 responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome for  
 11 MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 12 documents that Plaintiffs are requesting. MultiPlan also objects to this Request on the ground that it  
 13 seeks information not relevant to the claims or defenses of any party and not reasonably calculated to  
 14 lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant  
 15 OPR data used to price IOP services that Plaintiffs challenge in this case. For example, the Request  
 16 seeks information about "presentations, models, spreadsheets or projections" that are not limited to  
 17 claims and allegations related to Viant's pricing methods for intensive outpatient programs. MultiPlan  
 18 further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any  
 19 and all" such documents "relating [to] fees" and to the extent it seeks information not related to Viant's  
 20 OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is  
 21 argumentative and assumes facts, including that such documents exist.

22           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 26 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 33:**

2           For the period of January 1, 2015, to present, any and all internal presentations or projections  
 3 relating to changes in Facility R&C and/or OPR percentiles prepared by any individuals employed in  
 4 MultiPlan's Healthcare Economics department.

5           **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 8 vague and ambiguous, in that the phrases "internal presentations" and "projections" are undefined and  
 9 subject to differing interpretations such that MultiPlan is unable to determine what documents are  
 10 potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome  
 11 for MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 12 documents that Plaintiffs are requesting. MultiPlan further objects to this Request on the grounds that  
 13 the term "Healthcare Economics department" is vague and undefined. MultiPlan also objects to this  
 14 Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
 15 not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 16 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 17 case. For example, the Request seeks information about "presentations or projections" that are not  
 18 limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs.  
 19 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 20 it seeks "any and all" such documents and to the extent it seeks information not related to Viant's OPR  
 21 pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is  
 22 argumentative and assumes facts, including that such documents exist.

23           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 27 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 34:**

2           For the period of January 1, 2015, to present, any and all internal presentations or projections  
 3 relating to changes in Facility R&C and/or OPR percentiles prepared by any individuals employed in  
 4 MultiPlan's Marketing department.

5           **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 8 vague and ambiguous, in that the phrases "internal presentations" and "projections" are undefined and  
 9 subject to differing interpretations such that MultiPlan is unable to determine what documents are  
 10 potentially responsive to this Request. This vagueness, in turn, makes the Request unduly burdensome  
 11 for MultiPlan to search for or locate responsive documents or to even understand the nature of the  
 12 documents that Plaintiffs are requesting. MultiPlan further objects to this Request on the grounds that  
 13 the term "MultiPlan's Marketing department" is vague and undefined. MultiPlan also objects to this  
 14 Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
 15 not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 16 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 17 case. For example, the Request seeks information about "presentations or projections" that are not  
 18 limited to claims and allegations related to Viant's pricing methods for intensive outpatient programs.  
 19 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 20 it seeks "any and all" such documents and to the extent it seeks information not related to Viant's OPR  
 21 pricing for intensive outpatient programs. MultiPlan also objects to the extent this Request is  
 22 argumentative and assumes facts, including that such documents exist.

23           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 24 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 25 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 26 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 27 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 35:**

2           For the period January 1, 2015, to present, any and all communications and documents relating  
 3 to changing Facility R&C/Viant OPR percentiles, including for the Facility R&C/Viant OPR  
 4 percentile reduction changes occurring in 2018 and 2020, and the Facility R&C Compare  
 5 implementation occurring in 2018.

6           **RESPONSE:**

8           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 10 vague and ambiguous, in that the phrases “changing Facility R&C/Viant OPR percentiles” and  
 11 “Facility R&C Compare” is undefined and subject to differing interpretations such that MultiPlan is  
 12 unable to determine what documents are potentially responsive to this Request. This vagueness, in  
 13 turn, makes the Request unduly burdensome for MultiPlan to search for or locate responsive  
 14 documents or to even understand the nature of the documents that Plaintiffs are requesting. MultiPlan  
 15 also objects to this Request on the ground that it seeks information not relevant to the claims or  
 16 defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence,  
 17 in that it appears to seek information beyond the Viant OPR data used to price IOP services that  
 18 Plaintiffs challenge in this case. For example, the Request seeks information that is not limited to  
 19 claims and allegations related to Viant’s pricing methods for intensive outpatient programs. MultiPlan  
 20 further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any  
 21 and all” such “communications and documents” and to the extent it seeks information not related to  
 22 Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to the extent this  
 23 Request is argumentative and assumes facts.

24           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 27 search protocol to identify non-privileged documents in its possession, custody, and control that are

1 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 36:**

4 For the period January 1, 2015, to present, all Change Request Forms, and related  
5 correspondence with attachments, prepared by United and transmitted to Multiplan regarding  
6 reductions in OPR percentiles and Facility Benchmark Pricing.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
10 the ground that it seeks information not relevant to the claims or defenses of any party and not  
11 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
12 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
13 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
14 that it seeks “all Change Request Forms, and related correspondence” to the extent it seeks information  
15 not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this  
16 Request on the grounds that the terms “Change Request Form” and “OPR percentiles and Facility  
17 Benchmark Pricing” are vague and undefined.

18 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
19 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
20 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
21 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
22 response to this Request.

23 **REQUEST FOR PRODUCTION NO. 37:**

24 For the period January 1, 2015, to present, any and all correspondence, both internal and  
25 external, and documents related to the appeal of Facility R&C/Viant OPR claims, *i.e.*, rules regarding  
26 appeals and appeal negotiation parameters set by United, for Facility R&C/Viant OPR claims.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 6 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 7 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 8 that it seeks “any and all correspondence . . . and documents” and to the extent it seeks information  
 9 not related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this  
 10 Request on the grounds that the terms “appeal” and “appeal negotiation parameters” are vague and  
 11 undefined. MultiPlan further objects to this Request to the extent it seeks information which is subject  
 12 to a claim of privilege or which is otherwise protected from disclosure by, including without limitation,  
 13 the attorney-client privilege or the attorney work product doctrine.

14           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 15 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 16 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 17 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 18 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 19 response to this Request.

20           **REQUEST FOR PRODUCTION NO. 38:**

21           For the period January 1, 2015, to present, all scripts used by MultiPlan claims reviewers,  
 22 negotiators and call center representatives to address inquiries related to Viant OPR priced claims.

23           **RESPONSE:**

24           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 25 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 26 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 27 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 28

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 3 that it seeks “all scripts” and to the extent the Request is not limited to documents related to Viant’s  
 4 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the  
 5 grounds that the terms “scripts,” “claims reviewers,” “negotiators,” and “call center representatives”  
 6 are vague and undefined.

7       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 10 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 39:**  
 13

14       For the period January 1, 2015, to present, all training manuals, procedures, employee  
 15 handbooks and any others similar materials utilized by MultiPlan claims reviewers, negotiators and  
 16 call center representatives to address inquiries related to Viant OPR priced claims.

17 **RESPONSE:**  
 18

19       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 20 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 21 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 22 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 23 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 24 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 25 that it seeks “all training manuals, procedures, employee handbooks and any others similar materials”  
 26 and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 27 outpatient programs. MultiPlan further objects to this Request on the grounds that the terms “training  
 28 manuals,” “procedures,” “employee handbooks,” “claims reviewers,” “negotiators,” and “call center

1 representatives” are vague and undefined. MultiPlan also objects to the extent this Request is  
 2 argumentative and assumes facts, including that any such materials exist.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 40:**

9 For the period January 1, 2015, all communications to or from Lisa Miller and Multiplan and/or  
 10 Viant employees regarding policies, procedures or parameters for addressing inquiries related to  
 11 claims priced by Viant OPR.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 15 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 18 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 19 that it seeks “all” such communications to the extent the Request is not limited to documents related  
 20 to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’  
 21 apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in  
 22 this case. MultiPlan further objects to this Request on the grounds that the terms “policies,”  
 23 “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan also objects to the  
 24 extent this Request is argumentative and assumes facts, including that any such materials exist.  
 25 MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim  
 26 of privilege or which is otherwise protected from disclosure by, including without limitation, the  
 27 attorney-client privilege or the attorney work product doctrine.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 41:**

7       For the period January 1, 2015, all communications to or from Susan Dominy and Multiplan  
 8 and/or Viant employees regarding policies, procedures or parameters for addressing inquiries related  
 9 claims priced by Viant OPR.

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 17 that it seeks “all” such communications to the extent the Request is not limited to documents related  
 18 to Viant’s OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’  
 19 apparent attempt to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in  
 20 this case. MultiPlan further objects to this Request on the grounds that the terms “policies,”  
 21 “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan also objects to the  
 22 extent this Request is argumentative and assumes facts, including that any such materials exist.  
 23 MultiPlan further objects to this Request to the extent it seeks information which is subject to a claim  
 24 of privilege or which is otherwise protected from disclosure by, including without limitation, the  
 25 attorney-client privilege or the attorney work product doctrine.

26       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 42:**

5 For the period January 1, 2015, all communications to or from Michael Bandomer and  
 6 Multiplan/or Viant employees regarding policies, procedures or parameters for addressing inquiries  
 7 related to claims priced by Viant OPR.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 15 that it seeks “all” such communications to the extent the Request is not limited to documents related  
 16 to Viant’s OPR pricing for intensive outpatient programs. Mr. Bandomer deals exclusively with Data  
 17 iSight, so he is not likely to have information relevant to this case, because based on a plain reading  
 18 of Plaintiffs’ Complaint, MultiPlan’s Data iSight product is not at issue in this case. Likewise,  
 19 MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select who MultiPlan’s ESI custodians,  
 20 if any, might potentially be in this case. MultiPlan further objects to this Request on the grounds that  
 21 the terms “policies,” “procedures,” “parameters,” and “inquiries” are vague and undefined. MultiPlan  
 22 also objects to the extent this Request is argumentative and assumes facts, including that any such  
 23 materials exist. MultiPlan further objects to this Request to the extent it seeks information which is  
 24 subject to a claim of privilege or which is otherwise protected from disclosure by, including without  
 25 limitation, the attorney-client privilege or the attorney work product doctrine.

1           **REQUEST FOR PRODUCTION NO. 43:**

2           For the period January 1, 2015, to present, produce a report showing all disputed claims that  
3           had been initially priced by Viant OPR but were later adjusted and/or negotiated by MultiPlan.

4           **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6           Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
7           the ground that it seeks information not relevant to the claims or defenses of any party and not  
8           reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
9           information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
10           case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent  
11           the Request is not limited to Viant's OPR pricing for intensive outpatient programs and to the extent  
12           it purports to require to MultiPlan to produce a "report" specifically for this litigation beyond what is  
13           required by the Federal Rules. MultiPlan further objects to this Request on the grounds that the terms  
14           "disputed claims" and "adjusted and/or negotiated" are vague and undefined.

15           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
16           Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
17           Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
18           can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
19           response to this Request.

20           **REQUEST FOR PRODUCTION NO. 44:**

21           For the period January 1, 2015, to present, any and all documents related to dispute procedures  
22           in response to provider balance billing for Facility R&C claims.

23           **RESPONSE:**

24           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
25           Definitions and Instructions in their entirety into this response. MultiPlan further objects to this  
26           Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
27           not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 2 case. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to  
 3 the phrase “dispute procedures.” MultiPlan further objects to this Request as overly broad and unduly  
 4 burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not  
 5 limited to documents related to Viant’s OPR pricing for intensive outpatient programs.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 9 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 45:**

12 For the period of January 1, 2015, to present, any and all documents related to Patient  
 13 Advocacy policies and procedures for Viant OPR / Facility R&C claims.  
 14

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 18 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 19 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 20 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 21 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 22 that it seeks “any and all documents” and to the extent the Request is not limited to documents related  
 23 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request  
 24 on the grounds that the phrase “Patient Advocacy policies and procedures” is vague and undefined.

25 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 28

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 46:**

4 For the period of January 1, 2015, to present, any and all documents, correspondence,  
 5 PowerPoint slide decks and spreadsheets, both internal and external, relating to Viant OPR/Facility  
 6 R&C Default Rates applied to OON mental health/behavioral health claims when the Viant  
 7 OPR/Facility R&C methodology does not have a rate available.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the grounds that it is clearly duplicative of Request No. 25. In fact, it is substantively identical.  
 12 Accordingly, *see* Multiplan's Responses and Objections to Request No. 25, which are expressly  
 13 referred to and incorporated herein. MultiPlan reserves the right to timely supplement and/or amend  
 14 its response to this Request.

15 **REQUEST FOR PRODUCTION NO. 47:**

16 For the period of January 1, 2015, to present, any and all documents relating to any pricing  
 17 methodology applied to OON UB claims that either contained HCPS/CPT code H0015 or had  
 18 HCPS/CPT code H0015 appended after the claims were submitted.

19 **RESPONSE:**

20 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 21 Definitions and Instructions in their entirety into this response. MultiPlan further objects to this  
 22 Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
 23 not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 24 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 25 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 26 that it seeks "any and all documents" and to the extent the Request is not limited to documents related  
 27

1 to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 2 vague and ambiguous, particularly with respect to the phrase "pricing methodology."

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 6 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 7 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 48:**

10 For the period of January 1, 2015, to present, any and all documents relating to the  
 11 methodology or solution applied to BMP-eligible claims sent to Viant Facility U&C where the Viant  
 12 Facility U&C allowed amount exceeded the Benchmark Pricing Target amount returned from  
 13 MultiPlan's DUKE system with O43 or O44 return codes.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 17 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 21 that it seeks "any and all" such documents and to the extent the Request is not limited to documents  
 22 related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this  
 23 Request as vague and ambiguous, on the ground that the terms "methodology or solution," "BMP-  
 24 eligible claims," "MultiPlan's DUKE system," "Viant Facility U&C," and "O43 or O44 return codes"  
 25 are undefined.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
2 search protocol to identify non-privileged documents in its possession, custody, and control that are  
3 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
4 response to this Request.

5 **REQUEST FOR PRODUCTION NO. 49:**

6 For the period of January 1, 2015, to present, any and all presentations, PowerPoint slide decks,  
7 and spreadsheets, prepared for regular Governance Meetings between United and Multiplan.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
11 the ground that it seeks information not relevant to the claims or defenses of any party and not  
12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
15 that it seeks “any and all presentations, PowerPoint slide decks, and spreadsheets” and to the extent it  
16 seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan further  
17 objects to this Request on the grounds that the term “Governance Meetings” is vague and undefined.  
18 MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s  
19 possession, custody, and control, including but not limited to any documents that may be in the  
20 possession of United but not MultiPlan.

21 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
22 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
23 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
24 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
25 response to this Request.

1       **REQUEST FOR PRODUCTION NO. 50:**

2           For the period of January 1, 2015, to present, any and all agendas for United and MultiPlan's  
3       Governance and Operations Meetings with United.

4       **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6       Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
7       the ground that it seeks information not relevant to the claims or defenses of any party and not  
8       reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
9       information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
10      case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
11      that it seeks "any and all agendas" and to the extent it seeks information not related Viant's OPR  
12      pricing for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that  
13      the terms "agendas" and "Governance and Operations Meetings" are vague and undefined. MultiPlan  
14      further objects to this Request to the extent it seeks information outside of MultiPlan's possession,  
15      custody, and control, including but not limited to any documents that may be in the possession of  
16      United but not MultiPlan.

17          Subject to and without waiving the Preliminary Statement and Objections, Objections to  
18       Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
19       Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
20       can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
21       response to this Request.

22       **REQUEST FOR PRODUCTION NO. 51:**

23          For the period of January 1, 2015, to present, any and all correspondence concerning United  
24       and MultiPlan's Governance and Operations Meetings with United.

25       **RESPONSE:**

26          MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27       Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
28

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 5 that it seeks “any and all correspondence” and to the extent it seeks information not related Viant’s  
 6 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the  
 7 grounds that the terms “Governance Meetings” and “Operations Meetings” are vague and undefined.  
 8 MultiPlan further objects to this Request to the extent it seeks information outside of MultiPlan’s  
 9 possession, custody, and control, including but not limited to any documents that may be in the  
 10 possession of United but not MultiPlan.

11       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 14 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 15 response to this Request.

16 **REQUEST FOR PRODUCTION NO. 52:**

17       For the period of January 1, 2015, to present, any and all WebEx or other recordings of United  
 18 and MultiPlan’s Governance Meetings from 2015 to present.

19 **RESPONSE:**

20       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 21 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 22 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 23 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 24 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 25 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 26 that it seeks “any and all WebEx or other recordings” and to the extent it seeks information not related  
 27 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 28

1 the grounds that the term “Governance Meetings” is vague and undefined. MultiPlan further objects  
 2 to this Request to the extent it seeks information outside of MultiPlan’s possession, custody, and  
 3 control, including but not limited to any documents that may be in the possession of United but not  
 4 MultiPlan.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 6 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s  
 7 understanding of what is being requested, MultiPlan states that it has no documents in its possession,  
 8 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely  
 9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 53:**

11 For the period of January 1, 2015, to present, any and all documents or correspondence  
 12 concerning any meetings between United and Multiplan occurring from January 1, 2015, to present.

14 **RESPONSE:**

15 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 16 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 17 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 18 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 19 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 20 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 21 that it seeks “any and all documents or correspondence concerning any meetings” and to the extent it  
 22 seeks information not related to Viant’s pricing methods for intensive outpatient programs. MultiPlan  
 23 further objects to this request to the extent it is duplicative of several of Plaintiffs’ other Requests.  
 24 MultiPlan further objects to this Request on the grounds that the term “meetings” is vague and  
 25 undefined. MultiPlan further objects to this Request to the extent it seeks information outside of  
 26 MultiPlan’s possession, custody, and control, including but not limited to any documents that may be  
 27 in the possession of United but not MultiPlan.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 54:**

7       For the period of January 1, 2015, to present, any and all documents, presentations, PowerPoint  
 8 slide decks, prepared by MultiPlan for United that include, relate to, or pertain to any ‘Savings  
 9 Analysis’ of Viant OPR from 2015 to the present.

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 17 that it seeks “any and all documents, presentations, [and] PowerPoint slide decks” and to the extent  
 18 the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient  
 19 programs. MultiPlan further objects to this Request on the grounds that the term “Savings Analysis”  
 20 is vague and undefined. MultiPlan further objects to this Request to the extent it is duplicative of other  
 21 Requests.

22       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 26 response to this Request.

1       **REQUEST FOR PRODUCTION NO. 55:**

2           For the period of January 1, 2015, to present, any and all internal presentations, documents,  
3 and correspondence, that include, relate to, or pertain to Viant OPR/Facility R&C claims and/or  
4 ‘savings’ related to Viant OPR/Facility R&C claims.

5       **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
8 the ground that it seeks information not relevant to the claims or defenses of any party and not  
9 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
10 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
11 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
12 that it seeks “any and all internal presentations, documents, and correspondence” and to the extent the  
13 Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.  
14 MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further  
15 objects to this Request on the grounds that the term “savings” is vague and undefined.

16           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
19 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
20 response to this Request.

21       **REQUEST FOR PRODUCTION NO. 56:**

22           For the period of January 1, 2015, to present, any and all internal presentations, documents and  
23 correspondence, that include, relate to, or pertain to OPR claims and/or ‘savings’ related to OPR  
24 claims.

25       **RESPONSE:**

26           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
28

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 5 that it seeks “any and all internal presentations, documents, and correspondence” and to the extent the  
 6 Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.  
 7 MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan further  
 8 objects to this Request on the grounds that the term “savings” is vague and undefined.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 12 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 57:**

15 For the period of January 1, 2015, to present, any and all correspondence and documents  
 16 relating to the language used in PAD letters for claims priced using Facility R&C and/or Viant OPR  
 17 claims, including external correspondence with United.

18 **RESPONSE:**

19 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 20 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 21 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 22 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 23 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 24 case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it  
 25 seeks “any and all” documents and correspondence and to the extent it seeks information not related  
 26 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 27 the grounds that the phrase “relating to the language used” is vague and ambiguous. MultiPlan also

1 objects to this Request to the extent it seeks information which is subject to a claim of privilege or  
 2 which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 3 privilege or the attorney work product doctrine.

4 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 5 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 6 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 7 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 8 response to this Request.

9 **REQUEST FOR PRODUCTION NO. 58:**

10 For the period of January 1, 2015, to present, any and all correspondence and documents  
 11 relating to the language used in EOBs for claims repriced using Facility R&C and/or Viant OPR,  
 12 including external correspondence with United.

13 **RESPONSE:**

14 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 16 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 17 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 18 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 19 case. MultiPlan further objects to this Request as overly broad and unduly burdensome to the extent it  
 20 seeks “any and all” documents and correspondence and to the extent it seeks information not related  
 21 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 22 the grounds that the phrase “relating to the language used” is vague and ambiguous. MultiPlan also  
 23 objects to this Request to the extent it seeks information which is subject to a claim of privilege or  
 24 which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 25 privilege or the attorney work product doctrine.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 28

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 59:**

5 For the period of January 1, 2015, to present, any and all correspondence and documents  
 6 relating to the language used in PRAs for claims repriced using Facility R&C and/or Viant OPR,  
 7 including external correspondence with United.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 14 case. For example, MultiPlan objects that the term “PRAs” and concerns providers which are not at  
 15 issue in this matter because this Action concerns claims brought by members and the related Provider  
 16 action brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request  
 17 as overly broad and unduly burdensome to the extent it seeks “any and all” documents and  
 18 correspondence and to the extent it seeks information not related Viant’s OPR pricing for intensive  
 19 outpatient programs. MultiPlan further objects to this Request on the grounds that the phrase “relating  
 20 to the language used” is vague and ambiguous. MultiPlan also objects to this Request to the extent it  
 21 seeks information which is subject to a claim of privilege or which is otherwise protected from  
 22 disclosure by, including without limitation, the attorney-client privilege or the attorney work product  
 23 doctrine. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

24 **REQUEST FOR PRODUCTION NO. 60:**

25 For the period of January 1, 2015, to present, any and all correspondence and documents  
 26 relating to Summary Plan Description (SPD), Certificate of Coverage (CoC) or other benefit plan  
 27 language used to support or describe claims repriced using Facility R&C and/or Viant OPR, including

1 external correspondence with United, including all such documents created or maintained by Susan  
2 Mohler.

3 **RESPONSE:**

4 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
5 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
6 the ground that it seeks information not relevant to the claims or defenses of any party and not  
7 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
8 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
9 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
10 that it seeks “any and all correspondence and documents” and to the extent the Request is not limited  
11 to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further  
12 objects to this Request on the grounds that the terms “Summary Plan Description” and “Certificate of  
13 Coverage” are vague and undefined. MultiPlan further objects to this Request to the extent it seeks  
14 information which is subject to a claim of privilege or which is otherwise protected from disclosure  
15 by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

16 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
19 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
20 response to this Request.

21 **REQUEST FOR PRODUCTION NO. 61:**

22 Produce all documents contained in the Sales Resource Center, accessible through Multiplan’s  
23 intranet, as maintained by Susan Mohler and others in Multiplan’s marketing department.

24 **RESPONSE:**

25 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
27 the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 3 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 4 that it seeks “all documents” and to the extent the Request is not limited to documents related to Viant’s  
 5 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the  
 6 grounds that the terms “Sales Resource Center,” “MultiPlan’s intranet,” and “MultiPlan’s marketing  
 7 department” are vague and undefined. MultiPlan also objects to the extent this Request is  
 8 argumentative and assumes facts. MultiPlan further objects to this Request to the extent it seeks  
 9 information which is subject to a claim of privilege or which is otherwise protected from disclosure  
 10 by, including without limitation, the attorney-client privilege or the attorney work product doctrine.

11       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 14 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 15 response to this Request.

16       **REQUEST FOR PRODUCTION NO. 62:**  
 17

18           For the period of January 1, 2015, produce all Multiplan organizational charts.

19       **RESPONSE:**  
 20

21           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 22 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 23 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 24 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 26 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 27 that it is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.  
 28 MultiPlan further objects to this Request on the grounds that the term “organizational charts” is vague

1 and undefined. MultiPlan also objects to the extent this Request is argumentative and assumes facts,  
 2 including that any such responsive “charts” exist.

3 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 63:**

9 For the period of January 1, 2015, to present, any and all internal correspondence,  
 10 presentations, reports, and documents relating to the drafting of plan language in SPDs and CoCs to  
 11 describe or support the pricing of Facility R&C claims and Eligible Expenses.

12 **RESPONSE:**

13 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 15 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 18 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 19 that it seeks “all internal correspondence, presentations, reports, and documents” and to the extent it  
 20 seeks information not related Viant’s OPR pricing for intensive outpatient programs. MultiPlan  
 21 further objects to the extent this Request is duplicative of other Requests. MultiPlan further objects to  
 22 this Request on the grounds that the terms “SPDs,” “CoCs,” and “Eligible Expenses” are vague and  
 23 undefined. MultiPlan further objects to this Request to the extent it seeks information which is subject  
 24 to a claim of privilege or which is otherwise protected from disclosure by, including without limitation,  
 25 the attorney-client privilege or the attorney work product doctrine.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 2 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 3 response to this Request.

4 **REQUEST FOR PRODUCTION NO. 64:**

5 For the period of January 1, 2015, to present, all internal analysis and reports prepared by You  
 6 regarding plan language in SPDs and CoCs regarding plan language that supports Facility R&C, Viant  
 7 OPR, and BMP pricing.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 12 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 13 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 14 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 15 that it seeks “all internal analysis and reports” and to the extent it seeks information not related Viant’s  
 16 OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this Request is  
 17 duplicative of other Requests. MultiPlan further objects to this Request on the grounds that the terms  
 18 “SPDs,” “CoCs,” and “BMP pricing ” are vague and undefined. MultiPlan further objects to this  
 19 Request to the extent it seeks information which is subject to a claim of privilege or which is otherwise  
 20 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 21 work product doctrine.

22 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 23 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 24 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 25 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 26 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 65:**

2           For the period of January 1, 2015, to present, any and all correspondence, PowerPoint slide  
3 decks, spreadsheets, presentations, documents prepared by MultiPlan for or shared with United  
4 concerning, relating to, or referring to Facility R&C and/or Viant OPR.

5           **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
8 the ground that it seeks information not relevant to the claims or defenses of any party and not  
9 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
10 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
11 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
12 that it seeks "any and all correspondence, PowerPoint slide decks, spreadsheets, presentations,  
13 documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing  
14 for intensive outpatient programs. MultiPlan further objects to the extent this Request is duplicative  
15 of other Requests.

16           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
19 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
20 response to this Request.

21           **REQUEST FOR PRODUCTION NO. 66:**

22           For the period of January 1, 2015, to present, any and all documents prepared by MultiPlan for  
23 United relating to or concerning savings related to Viant OPR/Facility R&C claims.

24           **RESPONSE:**

25           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
27 the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 3 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 4 that it seeks “any and all documents” and to the extent the Request is not limited to documents related  
 5 to Viant’s pricing methods for intensive outpatient programs. MultiPlan further objects to this Request  
 6 as vague and ambiguous, particularly with respect to the phrase “savings.” MultiPlan further objects  
 7 to the extent this Request is duplicative of other Requests.

8       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 11 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 67:**

14       For the period of January 1, 2015, to present, any and all documents concerning or relating to  
 15 the percentile used by the Viant OPR methodology.

16 **RESPONSE:**

17       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 19 overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the  
 20 extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient  
 21 programs. MultiPlan further objects to the extent this Request is duplicative of other Requests.  
 22 MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the  
 23 phrase “percentile used.”

24       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 25 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 26 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 68:**

4 For the period of January 1, 2015, to present, any and all documents concerning or relating to  
 5 the comparing of MultiPlan network pricing to a percentile used by the Viant OPR methodology.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 9 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 10 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 11 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 12 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 13 that it seeks “any and all documents” and to the extent the Request is not limited to documents related  
 14 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the request as  
 15 overly broad because it seeks information regarding MultiPlan network pricing which is not at issue  
 16 in this matter. MultiPlan further objects to the extent this Request is duplicative of other Requests.  
 17 MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the  
 18 terms “the comparing of” and “percentile used.”

19 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 20 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 21 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 22 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 23 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 24 response to this Request.

25 **REQUEST FOR PRODUCTION NO. 69:**

26 For the period of January 1, 2015, to present, any and all correspondence between MultiPlan  
 27 and United involving benefit plan language.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 6 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 7 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 8 that it seeks “any and all correspondence” and to the extent the Request is not limited to documents  
 9 related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this  
 10 Request on the grounds that the term “benefit plan language” is vague and undefined. MultiPlan further  
 11 objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody,  
 12 and control, including but not limited to any documents that may be in the possession of United but  
 13 not MultiPlan. MultiPlan also objects to this Request to the extent that it seeks information which is  
 14 subject to a claim of privilege or which is otherwise protected from disclosure by, including without  
 15 limitation, the attorney-client privilege or the attorney work product doctrine.

16           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 19 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 20 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 21 response to this Request.

22           **REQUEST FOR PRODUCTION NO. 70:**

23           For the period of January 1, 2015, to present, any and all correspondence between MultiPlan  
 24 and United involving EOB language requirements.

25           **RESPONSE:**

26           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 28

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 5 that it seeks “any and all correspondence” and to the extent the Request is not limited to documents  
 6 related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the  
 7 extent this Request is duplicative of other Requests. MultiPlan further objects to this Request to the  
 8 extent it seeks information outside of MultiPlan’s possession, custody, and control, including but not  
 9 limited to any documents that may be in the possession of United but not MultiPlan. MultiPlan objects  
 10 to this Request to the extent that it seeks information which is subject to a claim of privilege or which  
 11 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege  
 12 or the attorney work product doctrine.

13 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 14 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 15 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 16 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 17 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 18 response to this Request.

19 **REQUEST FOR PRODUCTION NO. 71:**

20 For the period of January 1, 2015, to present, any and all MultiPlan internal correspondence  
 21 and documents relating to plan benefit language and/or language in EOBs to support claims priced  
 22 using the Viant OPR methodology.

23 **RESPONSE:**

24 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 25 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 26 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 27 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 3 that it seeks “any and all MultiPlan internal correspondence and documents” and to the extent the  
 4 Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs.  
 5 MultiPlan further objects to the extent this Request is duplicative of other Requests. MultiPlan objects  
 6 to this Request to the extent that it seeks information which is subject to a claim of privilege or which  
 7 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege  
 8 or the attorney work product doctrine.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 12 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 13 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 14 response to this Request.

15 **REQUEST FOR PRODUCTION NO. 72:**

16 For the period of January 1, 2015, to present, any and all documents or correspondence relating  
 17 to the Viant U&C solution.

18 **RESPONSE:**

19 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 20 Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs’  
 21 Complaint challenges the legitimacy of payments received on out-of-network claims for intensive  
 22 outpatient programs for which reimbursement rates were calculated using Viant’s OPR product.  
 23 Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,  
 24 including the “Viant U&C solution.” Therefore, MultiPlan objects to this Request on the grounds that  
 25 it seeks information not relevant to the claims or defenses of any party and not reasonably calculated  
 26 to lead to the discovery of admissible evidence, and will respond no further to this Request. MultiPlan  
 27 reserves the right to timely supplement and/or amend its response to this Request.

1       **REQUEST FOR PRODUCTION NO. 73:**

2           For the period of January 1, 2015, to present, any and all documents relating to the Viant OPR  
3 methodology's geozip grouping.

4       **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
7 the ground that it seeks information not relevant to the claims or defenses of any party and not  
8 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
9 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
10 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
11 that it seeks "any and all documents" and to the extent the Request is not limited to documents related  
12 to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
13 the grounds that the term "geozip grouping" is vague and undefined.

14          Subject to and without waiving the Preliminary Statement and Objections, Objections to  
15 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
16 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
17 search protocol to identify non-privileged documents in its possession, custody, and control that are  
18 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
19 response to this Request.

20       **REQUEST FOR PRODUCTION NO. 74:**

21           For the period of January 1, 2015, to present, any and all documents relating to Viant's Facility  
22 Outpatient Usual and Customary (U&C) Review Service.

23       **RESPONSE:**

24           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
25 Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs'  
26 Complaint challenges the legitimacy of payments received on out-of-network claims for intensive  
27 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.

1 Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,  
 2 including "Viant's Facility Outpatient Usual and Customary (U&C) Review Service." Therefore,  
 3 MultiPlan objects to this Request on the grounds that it seeks information not relevant to the claims or  
 4 defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence,  
 5 and will respond no further to this Request. MultiPlan reserves the right to timely supplement and/or  
 6 amend its response to this Request.

7 **REQUEST FOR PRODUCTION NO. 75:**

8 For the period of January 1, 2015, to present, any and all documents relating to Viant's  
 9 Outpatient Review Service.

10 **RESPONSE:**

11 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. As currently pled, Plaintiffs'  
 13 Complaint challenges the legitimacy of payments received on out-of-network claims for intensive  
 14 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
 15 Accordingly, no other MultiPlan product, service, or pricing methodology is at issue in this case,  
 16 including "Viant's Outpatient Review Service." Therefore, MultiPlan objects to this Request on the  
 17 grounds that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 18 calculated to lead to the discovery of admissible evidence, and will respond no further to this Request.  
 19 MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

20 **REQUEST FOR PRODUCTION NO. 76:**

21 For the period of January 1, 2015, to present, any and all documents relating to the provider  
 22 charge data used in the Viant OPR methodology.

23 **RESPONSE:**

24 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 25 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 26 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 27 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek

1 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 2 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 3 that it seeks “any and all documents” and to the extent the Request is not limited to documents related  
 4 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 5 the grounds that the term “provider charge data” is vague and undefined. MultiPlan further objects to  
 6 the extent this Request is duplicative of other Requests.

7 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 8 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 9 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 10 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 11 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 77:**

14 For the period of January 1, 2015, to present, any and all documents relating to the Standard  
 15 Analytical Outpatient File data used in Viant OPR.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request to  
 19 the extent it is duplicative of other Requests. MultiPlan further objects to this Request on the ground  
 20 that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 21 calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond  
 22 the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further  
 23 objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and  
 24 all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing  
 25 for intensive outpatient programs. MultiPlan further objects to this Request on the grounds that the  
 26 term “Standard Analytical Outpatient File data” is vague and undefined. MultiPlan further objects to  
 27 the extent this Request is duplicative of other Requests.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 4 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 78:**

8       For the period of January 1, 2015, to present, any and all documents relating to the Status  
 9 Indicators assigned through the CMS crosswalk used in the Viant OPR.

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 16 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 17 that it seeks “any and all documents” and to the extent the Request is not limited to documents related  
 18 to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on  
 19 the grounds that the terms “Standard Indicators” and “CMS crosswalk” are vague and undefined.

20       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 23 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 24 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 25 response to this Request.

1           **REQUEST FOR PRODUCTION NO. 79:**

2           For the period of January 1, 2015, to present, any and all documents relating to the comparison  
3 of a facility's billed charge and facility charges for the same service within the geographic area used  
4 by Viant to determine the Usual and Customary (U&C) value of charges.

5           **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
8 the ground that it seeks information not relevant to the claims or defenses of any party and not  
9 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
10 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
11 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
12 that it seeks "any and all documents" and to the extent the Request is not limited to documents related  
13 to Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
14 vague and ambiguous, particularly with respect to the phrases "comparison of a facility's billed  
15 charge" and "facility charges for the same service within the geographic area used by Viant."

16           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
19 search protocol to identify non-privileged documents in its possession, custody, and control that are  
20 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
21 response to this Request.

22           **REQUEST FOR PRODUCTION NO. 80:**

23           For the period of January 1, 2015, to present, any and all documents related to United's  
24 selection of the percentile to be used by Viant OPR in pricing United claims.

25           **RESPONSE:**

26           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
28

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 5 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 6 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to the extent this  
 7 Request is duplicative of other Requests. MultiPlan further objects to this Request as vague and  
 8 ambiguous, particularly with respect to the phrase “United’s selection of the percentile to be used.”

9       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 12 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 81:**

15       For the period of January 1, 2015, to present, any and all documents related to United’s  
 16 selection of Claim Dollar Thresholds to be used by Viant in pricing claims.

17 **RESPONSE:**

18       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 20 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 21 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 22 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 23 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 24 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 25 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 26 vague and ambiguous, particularly with respect to the term “Claim Dollar Thresholds,” which is  
 27 undefined.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 82:**

7       For the period of January 1, 2015, to present, any and all documents related to United's  
 8 selection of Multiplan Patient Advocacy options to be used by Viant in relation to United claims.

9 **RESPONSE:**

10      MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 12 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 13 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 14 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 15 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 16 seeks "any and all documents" and to the extent the Request is not limited to documents related to  
 17 Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 18 vague and ambiguous, particularly with respect to the phrase "Patient Advocacy options," which is  
 19 vague and undefined.

20      Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 23 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 24 response to this Request.

1       **REQUEST FOR PRODUCTION NO. 83:**

2           For the period of January 1, 2015, to present, any and all documents related to United's  
3 selection of Provider U&C Inquiry Management services to be used in relation to Viant OPR/Facility  
4 R&C claims.

5       **RESPONSE:**

6           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
7 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
8 the ground that it seeks information not relevant to the claims or defenses of any party and not  
9 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
10 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
11 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
12 seeks "any and all documents" and to the extent the Request is not limited to documents related to  
13 Viant's OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
14 vague and ambiguous, particularly with respect to the phrase "Provider U&C Inquiry Management  
15 services," which is vague and undefined.

16          Subject to and without waiving the Preliminary Statement and Objections, Objections to  
17 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
18 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
19 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
20 response to this Request.

21       **REQUEST FOR PRODUCTION NO. 84:**

22          For the period of January 1, 2015, to present, any and all documents related to the Patient  
23 Advocacy Process to be used in relation to Viant OPR/Facility R&C claims.

24       **RESPONSE:**

25          MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
27 the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 3 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 4 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 5 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 6 vague and ambiguous, particularly with respect to the phrase “Patient Advocacy Process,” which is  
 7 vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other  
 8 Requests.

9 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 10 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 11 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 12 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 13 response to this Request.

14 **REQUEST FOR PRODUCTION NO. 85:**

15 For the period of January 1, 2015, to present, any and all documents relating to Appealed  
 16 Savings for claims priced through Viant OPR/Facility R&C.

17 **RESPONSE:**

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 20 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 21 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 22 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 23 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 24 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 25 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 26 vague and ambiguous, particularly with respect to the phrase “Appealed Savings,” which is vague and  
 27 undefined.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 86:**

7       For the period of January 1, 2015, to present, any and all documents relating to the use of Stand  
 8 on Data (SOD) in appeals of claims priced through Viant OPR/Facility R&C.

9 **RESPONSE:**

10      MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 12 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 13 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 14 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 15 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 16 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 17 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 18 vague and ambiguous, particularly with respect to the phrase “Stand on Data (SOD),” which is vague  
 19 and undefined.

20      Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 21 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 22 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 23 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 24 response to this Request.

25 **REQUEST FOR PRODUCTION NO. 87:**

26      For the period of January 1, 2015, to present, any and all documents relating to MultiPlan’s  
 27 standard operating procedure (SOP) for appeals of claims priced through Viant OPR/Facility R&C.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 6 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 7 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 8 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 9 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 10 vague and ambiguous, particularly with respect to the phrases “MultiPlan’s standard operating  
 11 procedure (SOP)” and “appeals,” which are vague and undefined. MultiPlan further objects to the  
 12 extent this Request is duplicative of other Requests.

13           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 14 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 15 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 16 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 17 response to this Request.

18           **REQUEST FOR PRODUCTION NO. 88:**

19           For the period of January 1, 2015, to present, any and all documents relating to the application  
 20 of Viant’s proprietary fee schedule to United claims.

21           **RESPONSE:**

22           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 23 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 24 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 25 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 26 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 27 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it

1 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 2 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as  
 3 vague and ambiguous, particularly with respect to the phrase “Viant’s proprietary fee schedule,” which  
 4 is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of other  
 5 Requests.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 9 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 89:**

12 For the period of January 1, 2015, to present, any and all documents, including claims  
 13 flowcharts, relating to the reimbursement hierarchy for OON claims with HCPCS Code H0015,  
 14 H2036, and/or S9480.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 18 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 19 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information  
 20 about claims other than out-of-network claims for intensive outpatient programs for which  
 21 reimbursement rates were calculated using Viant’s OPR product. MultiPlan further objects to this  
 22 Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents”  
 23 and to the extent it seeks information not related to Viant’s OPR pricing for intensive outpatient  
 24 programs. MultiPlan further objects to this Request as overly broad and unduly burdensome. For  
 25 example, this Request is overly broad and unduly burdensome to the extent it purports to seek  
 26 information within a broadly defined category that includes multiple codes, including HCPCS Code  
 27

H2036, that have no apparent connection to the IOP services at issue in the case. Furthermore, as framed, this Request is overly broad because it is not limited to claims “paid or adjudicated” using the Viant OPR data that Plaintiffs challenge in the Complaint. MultiPlan further objects to this Request on the grounds that the term “reimbursement hierarchy” is vague and undefined.

Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

#### **REQUEST FOR PRODUCTION NO. 90:**

For the period of January 1, 2015, to present, any and all documents relating to UB/Facility claim OPR Target Pricing.

#### **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “UB/Facility claim OPR Target Pricing,”

1 which is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of  
 2 other Requests.

3       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 4 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 5 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 6 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 7 response to this Request.

8 **REQUEST FOR PRODUCTION NO. 91:**

9       For the period of January 1, 2015, to present, any and all documents that relate to or compare  
 10 Viant OPR/Facility R&C reimbursement amounts and FAIR Health, UCR, R&C or any other charge-  
 11 based metric.

12 **RESPONSE:**

13       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 14 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 15 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 16 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 17 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 18 case. MultiPlan objects to this Request as overly broad and unduly burdensome on the ground that it  
 19 seeks “any and all documents” and to the extent the Request is not limited to documents related to  
 20 Viant’s OPR pricing for intensive outpatient programs. Based on a plain reading of Plaintiffs’  
 21 Complaint, no other MultiPlan product or service is at issue in this case. MultiPlan further objects to  
 22 this Request as vague and ambiguous, particularly with respect to the phrase “charge-based metric,”  
 23 which is vague and undefined. MultiPlan further objects to the extent this Request is duplicative of  
 24 other Requests.

25       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 92:**

4 For the period of January 1, 2015, to present, produce all correspondence between MultiPlan  
 5 and Plaintiffs relating to or concerning Viant OPR.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 9 the grounds that it is overly broad and duplicative of several other Requests. MultiPlan further objects  
 10 to this Request on the ground that it seeks information not relevant to the claims or defenses of any  
 11 party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears  
 12 to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in  
 13 this case. MultiPlan also objects to this Request as overly broad and unduly burdensome on the ground  
 14 that it seeks “all correspondence” and to the extent the Request is not limited to documents related to  
 15 Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request to  
 16 the extent it seeks information already in Plaintiffs’ possession, custody, and control. MultiPlan  
 17 further objects to the extent this Request is duplicative of other Requests.

18 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 19 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 20 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 21 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 22 response to this Request.

23 **REQUEST FOR PRODUCTION NO. 93:**

24 For the period of January 1, 2015, to present, produce a spreadsheet indicating ASO plan opt-  
 25 outs from Facility R&C benefit changes and/or Viant OPR percentile reductions.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it purports to require MultiPlan to produce a “spreadsheet” specifically for this litigation beyond what is required by the Federal Rules and to the extent the Request is not limited to documents and information related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Viant OPR percentile reductions,” which is vague and undefined. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

**REQUEST FOR PRODUCTION NO. 94:**

All documents relating to Your process and procedures for responding to patients who have reported receiving balance bills from OON mental health/behavioral health providers from January 1, 2015, to present.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as being unintelligible because MultiPlan is not an insurance company and it has no patients or members. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “all documents” and to the extent it seeks information not related Viant’s OPR pricing for intensive outpatient programs.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 95:**

7       All documents, other than those specifically prepared for or in response to litigation, relating  
 8 to legal or regulatory concerns relating to Viant OPR/Facility R&C from January 1, 2015 to present.

9 **RESPONSE:**

10      MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 11 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 12 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 13 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 14 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 15 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 16 that it seeks “all documents” and to the extent the Request is not limited to documents related to Viant’s  
 17 OPR pricing for intensive outpatient programs. MultiPlan further objects to this Request on the  
 18 grounds that it seeks information which is subject to a claim of privilege or which is otherwise  
 19 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 20 work product doctrine. MultiPlan reserves the right to timely supplement and/or amend its response  
 21 to this Request.

22 **REQUEST FOR PRODUCTION NO. 96:**

23      Complete copies of the inbound EDI files sent by United to MultiPlan that contain the claims  
 24 of LD, DB, BW, RH, and CJ identified in the Complaint sent as part of a regular batch process.

25 **RESPONSE:**

26      MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 28

1 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 2 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 3 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 4 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 5 that it seeks “[c]omplete copies of the inbound EDI files” and to the extent the Request is not limited  
 6 to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan further  
 7 objects to this Request to the extent it seeks information outside of MultiPlan’s possession, custody,  
 8 and control, including but not limited to any documents that may be in the possession of United but  
 9 not MultiPlan. MultiPlan further objects to this Request as vague and ambiguous, particularly with  
 10 respect to the phrase “regular batch process,” which is vague and undefined.

11       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 12 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 13 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 14 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 15 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 16 response to this Request.

17 **REQUEST FOR PRODUCTION NO. 97:**

18       Complete copies of the outbound EDI files received by United from MultiPlan that contain the  
 19 claims of LD, DB, BW, RH, and CJ identified in the Complaint sent as part of a regular batch process.

20 **RESPONSE:**

21       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 22 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 23 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 24 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 25 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 26 case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground  
 27 that it seeks “[c]omplete copies of the outbound EDI files” and to the extent the Request is not limited

1 to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further  
 2 objects to this Request to the extent it seeks information outside of MultiPlan's possession, custody,  
 3 and control, including but not limited to any documents that may be in the possession of United but  
 4 not MultiPlan. MultiPlan further objects to this Request as vague and ambiguous, particularly with  
 5 respect to the phrase "regular batch process," which is vague and undefined.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 9 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 10 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 98:**

13 Complete copies of the outbound EDI files received by United from MultiPlan that contain the  
 14 claims of LD, DB, BW, RH, and CJ identified in the Complaint.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 18 the grounds that it is clearly duplicative of Request No. 97. Accordingly, *see* Multiplan's Responses  
 19 and Objections to Request No. 97, which are expressly referred to and incorporated herein. MultiPlan  
 20 reserves the right to timely supplement and/or amend its response to this Request.

21 **REQUEST FOR PRODUCTION NO. 99:**

22 Any and all Pricing Statements created by the MultiPlan Client Portal website for the Plaintiffs'  
 23 claims as set forth in the Complaint.

24 **RESPONSE:**

25 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 26 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 27 the ground that it seeks information not relevant to the claims or defenses of any party and not

1 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 2 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 3 case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the  
 4 terms “Pricing Statements” and “MultiPlan Client Portal.” MultiPlan also objects to this Request as  
 5 overbroad and unduly burdensome on the ground that it seeks “[a]ny and all Pricing Statements” And  
 6 to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 7 outpatient programs.

8       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 11 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 12 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 13 response to this Request.

14       **REQUEST FOR PRODUCTION NO. 100:**

16       Any and all recordings and transcripts of the verification of benefits calls relative to the claims  
 17 of LD, DB, BW, RH, and CJ identified in the Complaint.

18       **RESPONSE:**

19       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 20 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 21 the grounds that it is vague and ambiguous as to the term “verification of benefits calls.” MultiPlan  
 22 also objects to this Request as overbroad and unduly burdensome on the ground that it seeks “[a]ny  
 23 and all” recordings and transcripts. MultiPlan further objects on that basis that it is not an insurance  
 24 company, TPA, or other third-party payor, and a “verification of benefits call” is a step performed by  
 25 a payor. Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s  
 27 understanding of what is being requested, MultiPlan states that it has no documents in its possession,

1 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely  
 2 supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 101:**

4 Any and all recordings and transcripts of the prior authorization calls relative to the claims of  
 5 LD, DB, BW, RH, and CJ identified in the Complaint.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 9 the grounds that it is vague and ambiguous as to the term “prior authorization calls.” MultiPlan also  
 10 objects to this Request as overbroad and unduly burdensome on the ground that it seeks “[a]ny and  
 11 all” recordings and transcripts. MultiPlan further objects on that basis that it is not an insurance  
 12 company, TPA, or other third-party payor, and a “prior authorization call” is a step performed by a  
 13 payor. Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 14 Definitions and Instructions, or the foregoing specific objections, and based on MultiPlan’s  
 15 understanding of what is being requested, MultiPlan states that it has no documents in its possession,  
 16 custody, or control that are responsive to this Request. MultiPlan reserves the right to timely  
 17 supplement and/or amend its response to this Request.

18 **REQUEST FOR PRODUCTION NO. 102:**

19 For the period January 1, 2015, all internal or external communications referencing “Summit  
 20 Estate” or TIN 27-0244111.

21 **RESPONSE:**

22 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 23 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 24 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 25 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 26 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 27 case. For example, this Action concerns claims brought by members and the related Provider action

1 brought by Summit Estate was dismissed by the Court. MultiPlan further objects to this Request on  
 2 the grounds that it is overbroad and unduly burdensome including to the extent it seeks “all”  
 3 communications and to the extent the Request is not limited to documents related to Viant’s OPR  
 4 pricing for intensive outpatient programs. MultiPlan also objects to this Request to the extent that it  
 5 seeks information which is subject to a claim of privilege or which is otherwise protected from  
 6 disclosure by, including without limitation, the attorney-client privilege or the attorney work product  
 7 doctrine.

8 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 9 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 10 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 11 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 12 response to this Request.

13 **REQUEST FOR PRODUCTION NO. 103:**

14 For the period January 1, 2015, all internal or external communications referencing “ATAC”  
 15 or Addiction Treatment Advocacy Coalition.

16 **RESPONSE:**

17 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 18 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 19 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 20 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 21 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 22 case. MultiPlan further objects to this Request on the grounds that it is overbroad and unduly  
 23 burdensome including to the extent it seeks “all” communications and to the extent the Request is not  
 24 limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also  
 25 objects to this Request to the extent that it seeks information which is subject to a claim of privilege  
 26 or which is otherwise protected from disclosure by, including without limitation, the attorney-client  
 27 privilege or the attorney work product doctrine.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 4 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 5 response to this Request.

6 **REQUEST FOR PRODUCTION NO. 104:**

7       Any and all documents pertaining or relating to Summit Estate treatment center in Your  
 8 possession.  
 9

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 14 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 15 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 16 case. For example, this Action concerns claims brought by members and the related Provider action  
 17 brought by Summit Estate was dismissed by the Court. MultiPlan objects to this Request on the  
 18 grounds that it is vague and ambiguous including as to the terms “pertaining to” and “relating to.”  
 19 MultiPlan further objects to this Request on the grounds that it is overbroad and unduly burdensome  
 20 including to the extent it seeks “any and all documents” and to the extent the Request is not limited to  
 21 documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan also objects to  
 22 this Request to the extent that it seeks information which is subject to a claim of privilege or which is  
 23 otherwise protected from disclosure by, including without limitation, the attorney-client privilege or  
 24 the attorney work product doctrine.

25       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 26 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 27 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,

1 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 2 response to this Request.

3 **REQUEST FOR PRODUCTION NO. 105:**

4 Any and all recordings and transcripts of telephone calls between Plaintiffs and MultiPlan,  
 5 including, but not limited to, calls between Plaintiffs and MultiPlan's customer service agents.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 9 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 10 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 11 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 12 case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the  
 13 terms "recordings," "transcripts," and "MultiPlan's customer service agents." MultiPlan further  
 14 objects to this Request on the grounds that it is overbroad and unduly burdensome including to the  
 15 extent that it seeks "[a]ny and all" recordings and transcripts and to the extent the Request is not limited  
 16 to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan further  
 17 objects to the extent this Request is duplicative of other Requests.

18 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 19 Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware  
 20 of any such "recordings or transcripts" existing; however, MultiPlan will meet and confer with  
 21 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 22 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 23 response to this Request.

24 **REQUEST FOR PRODUCTION NO. 106:**

25 Any and all recordings and transcripts of telephone calls between Summit Estate treatment  
 26 center and MultiPlan, including, but not limited to, calls between Plaintiffs' Providers and MultiPlan's  
 27 customer service agents.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information  
 6 about claims other than out-of-network claims for intensive outpatient programs for which  
 7 reimbursement rates were calculated using Viant's OPR product. For example, the Request seeks  
 8 information about telephone calls that are not limited to claims and allegations related to Viant's  
 9 pricing methods for intensive outpatient programs. Moreover, this Action concerns claims brought by  
 10 members and the related Provider action brought by Summit Estate was dismissed by the Court.  
 11 MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the terms  
 12 "recordings," "transcripts," "Plaintiffs' Providers," and "MultiPlan's customer service agents."  
 13 MultiPlan further objects to this Request on the grounds that it is overbroad and unduly burdensome  
 14 including to the extent that it seeks "any and all" recordings and transcripts and to the extent the  
 15 Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs.  
 16 MultiPlan further objects to the extent this Request is duplicative of other Requests.

17           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 18 Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware  
 19 of any such "recordings or transcripts" existing; however, MultiPlan will meet and confer with  
 20 Plaintiffs to discuss what documents Plaintiffs seek through this Request and what documents, if any,  
 21 can reasonably be provided. MultiPlan reserves the right to timely supplement and/or amend its  
 22 response to this Request.

23           **REQUEST FOR PRODUCTION NO. 107:**

24           Any and all recordings of telephone calls or documents relating to any appeals of Plaintiffs  
 25 claims in MultiPlan's possession, custody, or control.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek  
 6 information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this  
 7 case. MultiPlan further objects to this Request on the grounds that it is vague and ambiguous as to the  
 8 terms “recordings,” and “appeals.” MultiPlan further objects to this Request on the grounds that it is  
 9 overbroad and unduly burdensome including to the extent that it seeks “[a]ny and all” recordings and  
 10 to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 11 outpatient programs. MultiPlan further objects to the extent this Request is duplicative of other  
 12 Requests.

13           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 14 Definitions and Instructions, or the foregoing specific objections, MultiPlan states that it is unaware  
 15 of any such documents existing; however, MultiPlan will meet and confer with Plaintiffs to discuss  
 16 what documents Plaintiffs seek through this Request and what documents, if any, can reasonably be  
 17 provided. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

18           **REQUEST FOR PRODUCTION NO. 108:**

19           Any and all documents to or from Dale White pertaining to the matters at issue in this action  
 20 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January  
 21 1, 2015, to present.

22           **RESPONSE:**

23           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 24 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 25 the grounds that it unnecessarily seeks confidential business information from one of its senior  
 26 executives. Any relevant information potentially responsive to this Request is obtainable through less  
 27 burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt  
 28

1 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.  
 2 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the  
 3 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
 4 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive  
 5 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
 6 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 7 it seeks "any and all documents" and to the extent the Request is not limited to documents related to  
 8 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely  
 9 supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 109:**

11 Any and all documents to or from Mark Tabak pertaining to the matters at issue in this action  
 12 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January  
 13 1, 2015, to present.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 18 the grounds that it unnecessarily seeks confidential business information from one of its senior  
 19 executives. Any relevant information potentially responsive to this Request is obtainable through less  
 20 burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs' apparent attempt  
 21 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.  
 22 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the  
 23 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
 24 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive  
 25 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
 26 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 27 it seeks "any and all documents" and to the extent the Request is not limited to documents related to

1 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely  
2 supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 110:**

4 Any and all documents to or from Michael Ferrante pertaining to the matters at issue in this  
5 action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from  
6 January 1, 2015, to present.

7 **RESPONSE:**

8 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
9 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
10 the grounds that it unnecessarily seeks confidential business information from one of its senior  
11 executives who is no longer an employee of MultiPlan. Any relevant information potentially  
12 responsive to this Request is obtainable through less burdensome means through other Requests.  
13 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the  
14 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
15 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive  
16 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
17 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
18 it seeks "any and all documents" and to the extent the Request is not limited to documents related to  
19 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely  
20 supplement and/or amend its response to this Request.

21 **REQUEST FOR PRODUCTION NO. 111:**

22 Any and all documents to or from Mark Edwards pertaining to the matters at issue in this action  
23 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January  
24 1, 2015, to present.

25 **RESPONSE:**

26 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
27 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
28

the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

#### **REQUEST FOR PRODUCTION NO. 112:**

Any and all documents to or from Tina Smith pertaining to the matters at issue in this action including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

#### **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 4 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 113:**

8       Any and all documents to or from Susan Mohler pertaining to the matters at issue in this action  
 9 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

10 **RESPONSE:**

11       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 12 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 13 the grounds that it unnecessarily seeks confidential business information from one of its senior  
 14 executives. Any relevant information potentially responsive to this Request is obtainable through less  
 15 burdensome means through other Requests. Likewise, MultiPlan objects to Plaintiffs' apparent attempt  
 16 to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case.  
 17 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the  
 18 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
 19 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive  
 20 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
 21 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 22 it seeks "any and all documents" and to the extent the Request is not limited to documents related to  
 23 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely  
 24 supplement and/or amend its response to this Request.

25 **REQUEST FOR PRODUCTION NO. 114:**

26       Any and all documents to or from Bill Ginther pertaining to the matters at issue in this action  
 27 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

1           **RESPONSE:**

2           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 3 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 4 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 5 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks in-  
 6 formation about claims other than out-of-network claims for intensive outpatient programs for which  
 7 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this  
 8 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"  
 9 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive  
 10 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select  
 11 who MultiPlan's ESI custodians, if any, might potentially be in this case.

12           Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 13 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 14 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 15 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 16 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 17 response to this Request.

18           **REQUEST FOR PRODUCTION NO. 115:**

19           Any and all documents to or from Emma Johnson pertaining to the matters at issue in this  
 20 action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from  
 21 January 1, 2015, to present.

22           **RESPONSE:**

23           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 24 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 25 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 26 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks in-  
 27 formation about claims other than out-of-network claims for intensive outpatient programs for which

1 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this  
 2 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"  
 3 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive  
 4 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select  
 5 who MultiPlan's ESI custodians, if any, might potentially be in this case.

6 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 7 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 8 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 9 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 10 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 11 response to this Request.

12 **REQUEST FOR PRODUCTION NO. 116:**  
 13

14 Any and all documents to or from Mike McEttrick pertaining to the matters at issue in this  
 15 action including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

16 **RESPONSE:**  
 17

18 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 19 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 20 the grounds that it unnecessarily seeks confidential business information from one of its senior  
 21 executives who is no longer an employee of MultiPlan. Any relevant information potentially  
 22 responsive to this Request is obtainable through less burdensome means through other Requests.  
 23 MultiPlan further objects to this Request on the ground that it seeks information not relevant to the  
 24 claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible  
 25 evidence, to the extent it seeks information about claims other than out-of-network claims for intensive  
 26 outpatient programs for which reimbursement rates were calculated using Viant's OPR product.  
 27 MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that  
 28 it seeks "any and all documents" and to the extent the Request is not limited to documents related to

1 Viant's OPR pricing for intensive outpatient programs. MultiPlan reserves the right to timely  
 2 supplement and/or amend its response to this Request.

3 **REQUEST FOR PRODUCTION NO. 117:**

4 Any and all documents to or from Sean Crandell pertaining to the matters at issue in this action  
 5 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

6 **RESPONSE:**

7 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 8 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 9 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 10 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information  
 11 about claims other than out-of-network claims for intensive outpatient programs for which  
 12 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this  
 13 Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents"  
 14 and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive  
 15 outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select  
 16 who MultiPlan's ESI custodians, if any, might potentially be in this case.

17 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 18 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 19 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 20 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 21 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 22 response to this Request.

23 **REQUEST FOR PRODUCTION NO. 118:**

24 Any and all documents to or from Ben Fuchsen pertaining to the matters at issue in this action  
 25 including Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

**REQUEST FOR PRODUCTION NO. 119:**

Any and all documents to or from Jacqueline Kienzle pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims

1 for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR  
 2 product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the  
 3 ground that it seeks "any and all documents" and to the extent the Request is not limited to documents  
 4 related to Viant's OPR pricing for intensive outpatient programs.

5 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 6 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 7 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 8 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 9 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 10 response to this Request.

11 **REQUEST FOR PRODUCTION NO. 120:**

12 Any and all documents to or from Kim Dugan pertaining to the matters at issue in this action  
 13 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January  
 14 1, 2015, to present.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions  
 17 and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground  
 18 that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 19 calculated to lead to the discovery of admissible evidence, to the extent it seeks information about  
 20 claims other than out-of-network claims for intensive outpatient programs for which reimbursement  
 21 rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly  
 22 broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent  
 23 the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient  
 24 programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who  
 25 MultiPlan's ESI custodians, if any, might potentially be in this case.

26 Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 27 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with

1 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 2 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 3 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 4 response to this Request.

5 **REQUEST FOR PRODUCTION NO. 121:**

6 Any and all documents to or from Thomas Ralston pertaining to Facility R&C, Viant OPR,  
 7 and/or FAIR Health from January 1, 2015 to present.

8 **RESPONSE:**

9 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 10 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 11 the grounds that it unnecessarily seeks confidential business information from one of its senior  
 12 executives who is no longer an employee of MultiPlan. Any relevant information potentially  
 13 responsive to this Request is obtainable through less burdensome means through other Requests.  
 14 Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI  
 15 custodians, if any, might potentially be in this case. MultiPlan further objects to this Request on the  
 16 ground that it seeks information not relevant to the claims or defenses of any party and not reasonably  
 17 calculated to lead to the discovery of admissible evidence, to the extent it seeks information about  
 18 claims other than out-of-network claims for intensive outpatient programs for which reimbursement  
 19 rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly  
 20 broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent  
 21 the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient  
 22 programs. MultiPlan reserves the right to timely supplement and/or amend its response to this  
 23 Request.

24 **REQUEST FOR PRODUCTION NO. 122:**

25 Any and all documents to or from Lisa Miller pertaining to the matters at issue in this action  
 26 including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January  
 27 1, 2015, to present.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request is not limited to documents related to Viant's OPR pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs' apparent attempt to unilaterally select who MultiPlan's ESI custodians, if any, might potentially be in this case. Subject to and without waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify non-privileged documents in its possession, custody, and control that are responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

**REQUEST FOR PRODUCTION NO. 123:**

Any and all documents to or from Susan Dominy pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from January 1, 2015, to present.

**RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information about claims other than out-of-network claims for intensive outpatient programs for which reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this

1 Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents”  
 2 and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive  
 3 outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt to unilaterally select  
 4 who MultiPlan’s ESI custodians, if any, might potentially be in this case. Subject to and without  
 5 waiving the Preliminary Statement and Objections, Objections to Definitions and Instructions, or the  
 6 foregoing specific objections, MultiPlan will meet and confer with Plaintiffs to discuss what  
 7 documents Plaintiffs seek through this Request and to develop a reasonable search protocol to identify  
 8 non-privileged documents in its possession, custody, and control that are responsive to this Request.  
 9 MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

10 **REQUEST FOR PRODUCTION NO. 124:**

11 Any and all documents to or from Michael Bandomer pertaining to the matters at issue in this  
 12 action including the Network Access Agreement, Facility R&C, Viant OPR, and FAIR Health from  
 13 January 1, 2015, to present.

15 **RESPONSE:**

16 MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 17 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 18 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 19 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks in-  
 20 formation about claims other than out-of-network claims for intensive outpatient programs for which  
 21 reimbursement rates were calculated using Viant’s OPR product. Mr. Bandomer deals exclusively  
 22 with Data iSight, so he is not likely to have information relevant to this case, because based on a plain  
 23 reading of Plaintiffs’ Complaint, MultiPlan’s Data iSight product is not at issue in this case. MultiPlan  
 24 further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any  
 25 and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR  
 26 pricing for intensive outpatient programs. Likewise, MultiPlan objects to Plaintiffs’ apparent attempt  
 27 to unilaterally select who MultiPlan’s ESI custodians, if any, might potentially be in this case.

1       Subject to and without waiving the Preliminary Statement and Objections, Objections to  
 2 Definitions and Instructions, or the foregoing specific objections, MultiPlan will meet and confer with  
 3 Plaintiffs to discuss what documents Plaintiffs seek through this Request and to develop a reasonable  
 4 search protocol to identify non-privileged documents in its possession, custody, and control that are  
 5 responsive to this Request. MultiPlan reserves the right to timely supplement and/or amend its  
 6 response to this Request.

7 **REQUEST FOR PRODUCTION NO. 125:**

8       Any and all documents for which Dale White, Mark Tabak, Michael Ferrante, Mark Edwards,  
 9 Tina Smith, Susan Mohler, Bill Ginther, Emma Johnson, Sean Crandell, Ben Fuchsen, Jacqueline  
 10 Kienzle, Lisa Miller, Michael Bandomer, Susan Dominy and/or Kim Dugan were custodians  
 11 pertaining to the matters at issue in this action including the Network Access Agreement, Facility R&C,  
 12 Viant OPR, and FAIR Health from January 1, 2015, to present.

13 **RESPONSE:**

14       MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 15 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request as  
 16 being clearly duplicate of other Requests. MultiPlan also objects to this Request on the ground that it  
 17 seeks information not relevant to the claims or defenses of any party and not reasonably calculated to  
 18 lead to the discovery of admissible evidence, to the extent it seeks information about claims other than  
 19 out-of-network claims for intensive outpatient programs for which reimbursement rates were  
 20 calculated using Viant's OPR product. MultiPlan further objects to this Request as overly broad and  
 21 unduly burdensome on the ground that it seeks "any and all documents" and to the extent the Request  
 22 is not limited to documents related to Viant's OPR pricing for intensive outpatient programs.  
 23 MultiPlan further objects on the grounds that such information is covered under, and if applicable, will  
 24 be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement  
 25 and/or amend its response to this Request.

1           **REQUEST FOR PRODUCTION NO. 126:**

2           Produce a report showing all actions taken by United relating to the collection of ESI and  
3 documents responsive to Plaintiffs' requests contained herein.

4           **RESPONSE:**

5           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
6 Definitions and Instructions in their entirety into this response. MultiPlan further objects to this  
7 Request on the ground that it seeks information not relevant to the claims or defenses of any party and  
8 not reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks  
9 information about claims other than out-of-network claims for intensive outpatient programs for which  
10 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this  
11 Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to  
12 produce a "report" specifically for this litigation beyond what is required by the Federal Rules.  
13 MultiPlan further objects to this Request as vague and ambiguous, particularly with respect to the  
14 phrase "all actions taken." MultiPlan further objects to this Request on the grounds that it seeks  
15 information which is subject to a claim of privilege or which is otherwise protected from disclosure  
16 by, including without limitation, the attorney-client privilege or the attorney work product doctrine.  
17 MultiPlan further objects on the grounds that such information is covered under, and if applicable, will  
18 be addressed through, the parties' ESI protocol. MultiPlan reserves the right to timely supplement  
19 and/or amend its response to this Request.

20           **REQUEST FOR PRODUCTION NO. 127:**

21           Produce a report showing all databases and other systems used to produce the information  
22 requested herein.

23           **RESPONSE:**

24           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
25 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
26 the ground that it seeks information not relevant to the claims or defenses of any party and not  
27 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information

1 about claims other than out-of-network claims for intensive outpatient programs for which  
 2 reimbursement rates were calculated using Viant's OPR product. MultiPlan further objects to this  
 3 Request as overly broad and unduly burdensome to the extent it purports to require MultiPlan to  
 4 produce a "report" specifically for this litigation containing "all" databases and systems within a  
 5 broadly defined category and beyond what is required by the Federal Rules. MultiPlan also objects to  
 6 this Request on the grounds that it seeks information which is subject to a claim of privilege or which  
 7 is otherwise protected from disclosure by, including without limitation, the attorney-client privilege  
 8 or the attorney work product doctrine. MultiPlan further objects on the grounds that such information  
 9 is covered under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan  
 10 reserves the right to timely supplement and/or amend its response to this Request.

11 **REQUEST FOR PRODUCTION NO. 128:**

12 Any and all ESI or event data records that involves the Plaintiffs or their healthcare providers  
 13 including:

- 14     a. Email communications;
- 15     b. Computer applications or programs such as customer order forms or customer service forms;
- 16     c. Instant messaging;
- 17     d. Short Message Service (SMS) systems;
- 18     e. Work phone, home phone, cell phone, or pager records;
- 19     f. Voicemail systems;
- 20     g. IVR systems and recordings therefrom;
- 21     h. Any data reflecting Plaintiffs' claims;
- 22       i. Any data reflecting claims submission from United;
- 23       j. Word processing systems, spreadsheet and database systems;
- 24       k. System history files;
- 25       l. Claims tracking databases;
- 26       m. E-mail tracking databases;
- 27       n. Member databases;

- 1           o. Calendar systems;  
 2           p. Intranet systems used or accessed that relate to MultiPlan;

3 **RESPONSE:**

4           MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to  
 5 Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on  
 6 the ground that it seeks information not relevant to the claims or defenses of any party and not  
 7 reasonably calculated to lead to the discovery of admissible evidence, to the extent it seeks information  
 8 about claims other than out-of-network claims for intensive outpatient programs for which  
 9 reimbursement rates were calculated using Viant's OPR product. For example, this request seeks  
 10 information and documents that involves Plaintiffs' healthcare providers but this Action concerns  
 11 claims brought by members and the related Provider action brought by Summit Estate was dismissed  
 12 by the Court. MultiPlan further objects to this Request as overly broad and unduly burdensome on the  
 13 ground that it seeks "any and all ESI or event data records" and to the extent the Request is not limited  
 14 to documents related to Viant's OPR pricing for intensive outpatient programs. MultiPlan also objects  
 15 to this Request to the extent it is duplicative of other Requests. MultiPlan also objects to this Request  
 16 on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise  
 17 protected from disclosure by, including without limitation, the attorney-client privilege or the attorney  
 18 work product doctrine. MultiPlan further objects on the grounds that such information is covered  
 19 under, and if applicable, will be addressed through, the parties' ESI protocol. MultiPlan reserves the  
 20 right to timely supplement and/or amend its response to this Request.

21 **REQUEST FOR PRODUCTION NO. 129:**

22           Any and all documents relating to the retention, collection, and production of documents  
 23 (electronic and physical) related to Plaintiffs' litigation:

- 24           a. Scope of the Litigation hold;  
 25           b. Steps taken by MultiPlan to advise their employees, including, but not limited to, "Key  
                  Custodians" with respect to the facts underlying the litigation, and information systems  
                  personnel, of the substantive principles governing

- c. Collection of ESI and documents responsive to Plaintiffs' document requests;
  - d. Procedures, software, and search terms used to filter or cull ESI for production to Plaintiffs;
  - e. Databases used to produce the information demanded by Plaintiffs' Discovery Demands;
  - f. MultiPlan's archival and backup systems, including those onsite, offsite and maintained by third-party vendors;
  - g. MultiPlan's document retention policies.

## **RESPONSE:**

MultiPlan hereby incorporates its Preliminary Statement and Objections and Objections to Definitions and Instructions in their entirety into this response. MultiPlan objects to this Request on the ground that it seeks information not relevant to the claims or defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence, in that it appears to seek information beyond the Viant OPR data used to price IOP services that Plaintiffs challenge in this case. MultiPlan further objects to this Request as overly broad and unduly burdensome on the ground that it seeks “any and all documents” and to the extent the Request is not limited to documents related to Viant’s OPR pricing for intensive outpatient programs. MultiPlan objects to this Request on the grounds that it seeks information which is subject to a claim of privilege or which is otherwise protected from disclosure by, including without limitation, the attorney-client privilege or the attorney work product doctrine. MultiPlan further objects on the grounds that such information is covered under, and if applicable, will be addressed through, the parties’ ESI protocol. MultiPlan reserves the right to timely supplement and/or amend its response to this Request.

\* \* \*

DATED: September 16, 2021

1 By: /s/ Errol J. King, Jr.

2 Errol J. King, Jr. (*admitted pro hac vice*)  
3 Phelps Dunbar LLP  
4 II City Plaza  
5 400 Convention Street, Suite 1100  
6 Baton Rouge, Louisiana 70802  
7 Telephone: (225) 376-0207  
8 Fax: (225) 381-9197

9 and

10 Moe Keshavarzi  
11 David E. Dworsky  
12 Sheppard, Mullin, Richter & Hampton LLP  
13 333 South Hope Street, 43rd Floor  
14 Los Angeles, CA 90071  
15 Telephone: (213) 620-1780  
16 Fax: (213) 620-1398

17 Attorneys for Defendant, MultiPlan, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of September 2021 a copy of the foregoing was served via electronic mail upon all counsel of record .

Matthew M. Lavin, Esq. (pro hac vice) (Matt.Lavin@agg.com)  
Aaron R. Modiano, Esq. (pro hac vice) (Aaron.Modiano@agg.com)

# **ARNALL GOLDEN GREGORY LLP**

1775 Pennsylvania Avenue NW, Suite 1000

Washington, DC 20006

David M. Lilienstein, Esq. (CA SBN 218923) (david@dllawgroup.com)

Katie J. Spielman, Esq. (CA SBN 252209) (katie@dllawgroup.com)

DL LAW GROUP

345 Franklin Street

San Francisco, CA 94102

## **Attorneys for Plaintiffs and Putative Class**

Lauren M. Blas, Esq. (CA SBN 296823) (lblas@gibsondunn.com)

Nicole R. Matthews, Esq. (CA SBN 328977) (nmatthews@gibsondunn.com)

## **GIBSON, DUNN & CRUTCHER LLP**

333 South Grand Avenue

Los Angeles, CA 90071-3197

Geoffrey Sigler (pro hac vice) (gsigler@gibsondunn.com)

## **GIBSON, DUNN & CRUTCHER LLP**

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

## **Attorneys for Defendant**

## UNITED BEHAVIORAL HEALTH

/s/    Errol J. King, Jr.